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The Citizen of India

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PREFACE

We wrote a book entitled *Elements of Civics* in which an attempt was made to have a comparative study of the corporate life of India and England. The reception accorded to the book was very gratifying. But it was brought to our notice that a separate study of the Indian and the British institutions would be more in the interests of our students. We have therefore split up the book and rearranged the subjects in a way to present the problems of each country as an organic whole.

The constitution of India has been thoroughly revised since the publication of the *Elements of Civics*. The present publication appears almost as a new book. We have discussed in it all the important features of the administrative system of the country. In another volume the system in Britain will be discussed. The student will form his own ideas regarding the comparative value of the institutions of the two countries which are now bound together by political and economic ties.

A chapter on the Indian States has been written in order to understand the significance of the Federation which is going to be organised in India. A synopsis of the new constitution has been attempted in as simple a language as possible. Our plan has been to give an outline of the civic institutions in existence or about to be introduced in order that a young student may know what part he can play in his relations with his fellow-beings. We have not dealt with theories or speculations which properly belong to a treatise on politics, neither have we attempted to trace the growth of the different institutions which is the business of constitutional history. Ours is

an analysis of the administrative problems in the different spheres of the national life. In plain words we have tried to narrate what an Indian student should know as to how his country is being governed. We hope the little volume will receive the same attention as did its predecessor.

LAHORE :
December 8, 1936

AUTHORS

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THE CITIZEN OF INDIA

CHAPTER I

THE LAND WE LIVE IN

The Meaning of Patriotism

Love of the country in which we live is an innate sentiment with us. There is an Indian adage which says: "Mother and the Mother-land are higher than heaven." As the blood of parents runs through our veins so also we receive sustenance from the land and breathe its atmosphere. We are nourished with the produce of the soil and brought up in the culture of the people. This love of the country is a sacred thing and we like to cherish it in every possible way. We like the country to become rich and prosperous, we like our people to become healthy and cheerful, and we desire that our national life should grow in all directions. In order that we may play our part well as true citizens we have to be acquainted with the main features of the country, the characteristics of the people, and the social, economic and the administrative problems of the nation.

Physical Features of India

India extends from the Himalayas to Cape Comorin and from the Hindukush and the Suleiman Mountains to the Assam Hills. Since its conquest Burma has been connected with India but it will be separated from India from the next year (1937). India proper is divided into three natural areas: the Himalayas, the Indo-Gangetic Plain and the Deccan. The Himalayas constitute the northern boundary of India. The Himalayan Range is about 1500 miles in length and 150 to

200 miles in breadth. It contains some of the highest peaks, Mount Everest 29,141 ft., Kinchinjunga 28,146 ft., Dhaulagiri 26,826 ft. Near its junction with the Hindukush Mount Godwin Austen has risen to the height of 28,250 ft. There is perpetual snow above 16,000 ft. The water vapour carried across the plain is stopped by the Himalayas which thus serve as the great reservoir for the country. The rivers receive their feed from the snows on the Himalayan heights and then spread plenty throughout their long courses. On the west and the east India is washed by the seas which connect it with the rest of the world. Poet Rabindranath Tagore has described the features in a beautiful *hymn* addressed to Mother India: "Thou hast charmed the mind of men all over the world, made bright by the clear rays of the sun. Thy feet are washed by the waters of the blue seas, thy aprons green are waved by the breeze, thy Himalayan brow wearing the snow-white crest, is being kissed by the skies. Blessed art thou, the eternal benefactress of humanity, thou art spreading nourishment to your people as well as to other peoples, the rivers Jahnavi and Jumna are but thy kindness melted into streams, carrying thy sweet milk in the form of trade and commerce."

The hymn commencing with *Bande Mataram*, composed by Bankim Chandra Chatterjee, has become the national song of India. The eternal devotion of the patriotic souls finds its expression in song and literature and the social and political institutions of the country. The heart of every Briton leaps up when he hears the strain of "Rule Britannia, rule the waves Britons never shall be slaves." The songs of glory of the national heroes keep up the spirit in times of depression. But the strength of a nation lies not in simply counting the deeds of the past but in working vigorously for a bright future. The physical features and the geographical position of India are helpful for the building up of a great nation. Th

Himalayan Range still contains a number of independent states. Nepal is the chief of them. The hill-states retain their freedom which is lacking in other parts. Not only the streams coming out of the Himalayas are carrying plenty into the plains but they are being harnessed in providing light and energy to big industries. The tired administrators and workers in the hot plains migrate to the beautiful Himalayan resorts for health and comfort. Not only are they recuperated in health but come back to the fields of work with new inspiration.

The Indo-Gangetic Plain is traversed by the systems of rivers, the Indus and her tributaries, the Ganges and her tributaries and the Brahmaputra. These rivers were the high roads till the advent of the railways, and on the banks of the rivers rose the important cities of Northern India. In the rich alluvial soil of Bengal and Behar have grown prosperous settlements and even now the population in those areas are the thickest. The Vindhya Range runs through the centre of India and has kept the Dakshinatya (Deccan) separate from the north. Two ranges of hills, known as the Ghats, have been protecting the western and the eastern coasts. In the forests of South India grow the spices coveted by the Western World. The rivers in the Deccan are deep and are being used in providing electricity. On the extensive coasts of the peninsula there have come into existence a number of important ports through which goods are sent out to the different parts of the world and received from the distant lands. Not only are they centres of trade and commerce but they have become the distributing places of international ideas and the meeting places of different cultures. Calcutta, Madras, Bombay, Karachi have made Modern India.

Population

India is an extensive country with an area of more than 1,575,000 sq. miles, and a population exceeding 338,000,000

according to the census of 1931. In area it is next to Siberia and China and in population it holds the second position in the world. The people speak different languages in the different parts. Western Hindi is spoken by 72 millions, Bengali by 54 millions, Bihari by 28 millions, Telugu by 26 millions, Marathi by 21 millions, Tamil almost by an equal number, Punjabi by 16 millions, Rajasthani by 14 millions, Kanarese by 11 millions, Oriya and Gujarati by about the same number, and Malayalam by 9 millions. There is no language which may be called the *lingua franca* of India. Hindustani which is a mixture of different languages is spoken and understood by the largest number. Hindi is the oldest of the literary languages in India. The modern provincial languages are sufficiently developed, and in almost every province attempts are being made to enrich its language in various ways. English has become the language of higher education and of the cultured few. In the big national assemblies the leaders convey their ideas to the people of the other provinces through English. The Indian languages have been greatly polished by their contact with Western culture.

Religions

The people of India profess different religions. Hinduism is the religion of the majority. There are 239 millions of Hindus, 78 millions of Muhammadans, 63 lakhs of Christians, 43 lakhs of Sikhs, $12\frac{1}{2}$ lakhs of Jains, and a few Zoroastrians, Jews and others. Hindus constitute 70·7 per cent, Muhammadans 23 per cent. The difference between religion is a constant source of friction in India. In the province of the Punjab, Bengal and Sind the number of Muhammadans is more than that of Hindus; so also it is in the smaller provinces of the N. W. Frontier and Baluchistan. But in all other provinces Hindus are more numerous. In the State of Jammu and Kashmir the Muhammadans form about 77·2 per cent. In

all other states Hindus are in a majority. A substantial portion of the Sikhs live in the Punjab, and Jains in Rajputana and the Western Indian States. Christians are to be found largely in the presidency of Madras and the Madras States. Majority of the Zoroastrians are to be found in Bombay, and there are some Buddhists in the eastern parts of Bengal and in the Himalayan tracts. The social, economic and political problems of the country become complicated on account of the competition of the different sects and creeds in promoting the special interests of their groups. Within each creed again there are castes and sub-castes and groups within groups.

Condition of the People

Vast majority of these people live in villages. Calcutta is the biggest city with a population of about 15 lakhs. It includes the suburbs and Howrah. Bombay has a population of nearly 12 lakhs, and the number of towns with a population of one lakh or more would not be more than 40. Most of the cities are not very old. The ancient cities which grew round the courts of kings and rulers are in a state of decay and they are being superseded by industrial and commercial towns of modern growth. Mills and factories are growing up in differnet provinces and drawing men from the country side, but the Indians prefer the life of ease and comfort in rural areas. Even when they come to the factories to seek work they like to go back to their village homes to spend some part of the year. There is a sanctity attached to the homestead hallowed by the memory of parents and grand-parents. They would rather like to lay their ashes in the burning-ground of their ancestors

Education

Education has made very little progress in India. Out of a total male population of 173 millions only a little over 20 millions are literate, and a little over 3 millions are literate in

English, and among the females only 3 millions are literate and $3\frac{1}{2}$ lakhs can pretend to any knowledge of English. Males are literate by 11·7 per cent and females by less than 2 per cent. That is to say, not even 7 per cent of the people can call themselves literate. There is crass ignorance among the people. One of the greatest problems of India is the removal of this ignorance. No improvement in life is possible without education. All the provinces have not made equal progress. Madras and Bengal have about 16 per cent male population literate, Bombay comes next with about 15 per cent. In no other province literacy is claimed by more than 10 per cent of males. Nearly 9 per cent are literate in the Punjab. The educated people live mainly in the towns but they keep up their connection with the family homesteads in the villages. The exodus of the educated from the villages has kept the latter in a backward condition.

Occupation

The main occupation of the people in the villages is agriculture. According to the figures of 1931-32 the area of India is a little above 590 million acres, and of this 77 million acres are in the Indian States, and 66 million acres are covered with forests, 94 million acres are not available for cultivation, 95 million acres are culturable waste and nearly 211 million acres are actually cultivated. There is not even an acre for each person even if we add the culturable waste to the area cultivated. The economic salvation of India cannot be attained by depending upon agriculture.

Of the persons engaged in the different occupations nearly 107 millions are engaged in agriculture, 28 millions in trade and industry, $4\frac{1}{2}$ millions in public administration and liberal arts. That is to say, 66 per cent follow the occupation of agriculture, 17 per cent trade and industry, and hardly 3 per cent public administration and liberal arts. Only about 10

per cent of the workers are engaged in actual industry. The state of society may be calculated from the fact that the occupation of more than 17 lakhs of people has been returned as unproductive, and of the total population of 162 millions have been returned as workers. The rest of the population, *viz.*, 176 millions depend upon the labour of the workers. Agriculture is carried on the old method and very little has been done in improving the fertility of the soil or producing commodities on the modern scientific methods. The condition of marketing is also not sufficiently developed.

Agriculture

The principal crops in India are rice (cultivated in 69 million acres), wheat (25 million acres), jowar (21 million acres), bajra (13 million acres), barley (6½ million acres), gram (16 million acres), maize (6 million acres). The total area under food crops is about 190 million acres. Cotton is cultivated in about 14 million acres, just in about 2 million acres, oil seeds in about 16 million acres, sugar cane in 3 million acres, tea in 775,000 acres, coffee in 92,000 acres. Besides these India grows spices, tobacco and various other commodities. Timber grown in the forests of India has also great economic value.

Mineral Resources

Coal is the most important mineral. It is found in Bengal, Bihar, Orissa and Central Provinces, and in very small quantities in Assam, the Punjab and Baluchistan. The states of Hyderabad, Rewah and Bikaner also produce some quantities of coal. The greater portion of coal produced in India is consumed here. Salt is obtained on the coasts of Madras and Bombay, in the Salt Lakes and in the mines of Northern India. Gold is annually produced in the Mysore gold mines to the amount of more than 330,000 ounces. Another valuable mineral is petroleum, extracted from the mines of

Assam and the Punjab. Burma supplies the requirements of India in this article very largely. The chief field of iron-ore lies in Chota-Nagpur in the Province of Bihar, and in the States of Mayurbhanj and Keonjhar in Orissa. Mayurbhanj alone supplied more than 900,000 tons in one year, which was nearly double the total supply obtained elsewhere. Other minerals of value found in India are Mica and Manganese.

Industries

Industrially India is not sufficiently advanced. Previous to the discovery of the steam-engine she used to export large quantities of cotton and silk goods. But the industrial revolution has placed her in the back-ground. The European countries have marched ahead and they have made India their chief market for their manufactures. After the middle of the eighteenth century factories came into existence and European capital was invested in some of the industries. Mills were established for cotton and jute, extensive tea gardens were laid out, and for transport of goods and labour railways were constructed and steamships were employed. The opening of the Suez Canal has increased Indian trade with the European countries. Roads have been improved and canals have been excavated for irrigation as well as for communication. The big industrial concerns employ a large number of labourers, but the number of men engaged in supervision and management come mainly from outside. If the army of the educated youth of India could be employed in these industries and develop the immense resources of the country then it would have not only increased the material prosperity but made for peace and contentment which we stand so badly in need of.

According to the figures of 1931-32 there were 266 cotton mills in British India, and 51 in Indian States and foreign territory employing 387,507 and 54,232 persons respectively,

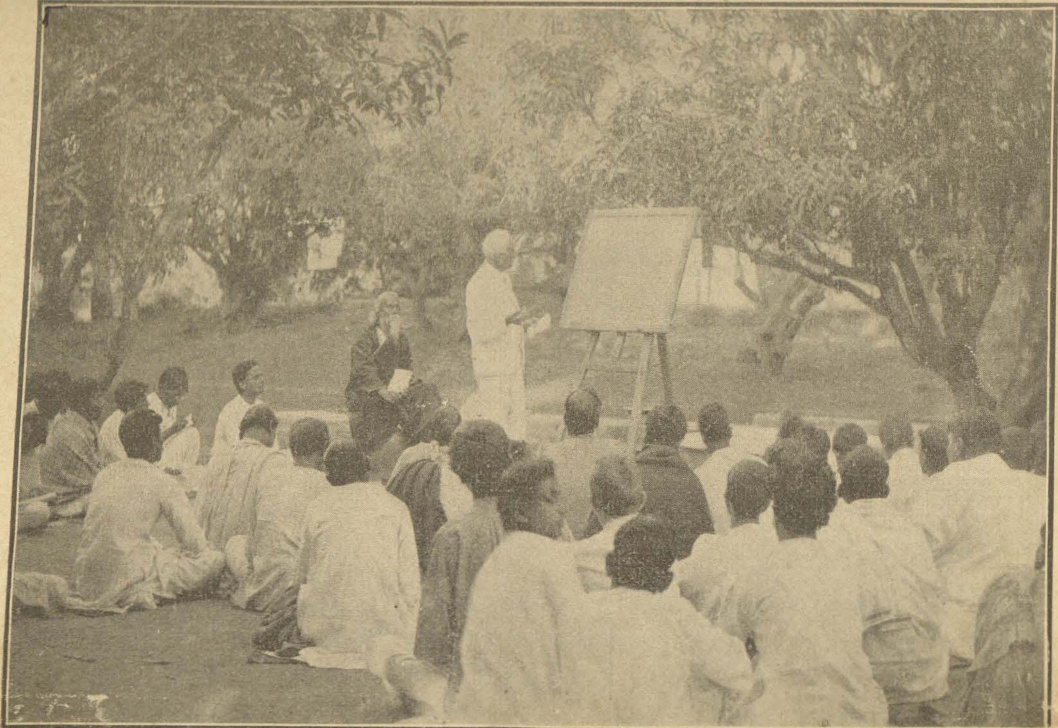
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EDUCATION FOR BETTER CITIZENSHIP.
Class at Santiniketan. (Poet Rabindranath sitting in front).

and working 154,102 and 19,449 looms. The largest number of mills are to be found in the Presidency of Bombay, *viz.*, 180. In Madras there were only 24, in the United Provinces 19, in Bengal 14, in C. P. and Berar 11 and in the Punjab 8. Of the Indian States, Baroda, Hyderabad, Mysore, Gwalior and Indore have more than one mill each. Baroda is most advanced in this matter at it has 16 cotton mills. There were 13 woollen mills in British India and 5 in Indian States. They are mostly in the U. P. and Mysore. The Punjab contained 3 woollen mills. The number of paper mills was 9 in British India and only one in the State of Travancore. Besides these there were 99 jute mills mostly in Bengal, 9 silk mills and 42 hosiery factories. There were in India 614 engineering firms, 120 factories for minerals and metals such as iron and steel, 389 for chemicals and dyes, 17 tanneries and 12 leather works, and factories of other things are gradually coming into existence. When the ample resources of India will be utilised then the economic difficulties may be successfully tackled with. But the problem is so complicated that it requires the wholehearted attention of the Government as well as of the people.

Communications

India is a vast country and the communications between the distant parts are maintained by means of railways and water channels and roads. There are large tracts still unexplored and there people do not receive the advantage of connection with the outside world. Out of the total population of no less than 338 millions, only a small number availed of the railways. The vast majority of the people live in the primitive condition and to them the idea of India as one country is extremely vague. The agricultural resources of India are moved to the important centres of trade by means of these railways. But where the railways have not reached, the prices of the commodities are comparatively

cheap and people find it difficult to obtain the requirements of a decent living. The rivers in Bengal and the canals in some parts of India help the movement of goods but they do not play any important part.

Commerce

India is connected with the rest of the world by the seas. Vessels from the distant countries touch the ports which serve as the distributing centres for the commodities produced in the country and the imports from foreign countries. Calcutta, Bombay, Madras and Karachi are the chief ports of India, and there are other minor ports in Kathiawar and Malabar Coast. Chittagong serves Assam and Eastern Bengal, and Vizagapatam is being developed as a new port. Considering the vastness of the country the foreign trade of India is not considerable. In 1934-35 the imports of merchandise amounted to nearly 135 crores and exports 155 crores. But the greater portion of the imports consisted of manufactured articles whereas two-thirds of the exports consisted of food, tobacco and raw materials. The value of the exports was greater than the value of the imports by over 78 crores. This shows that we have to pay for the services of the foreigners in India and the interest of the foreign capital invested in India to that amount. Is it not possible to reduce the excess of exports and to increase the total value of the foreign trade ? This is an important problem.

Economic Problems

The industrial development of the country is proceeding fast. Works of great engineering skill are being launched. Coal is utilised largely for power, and energy on a large scale is generated by the hydro-electric process. But the demand for Indian manufactures outside India is not very great. The other industrial countries may receive the raw materials and agricultural produce of India but they are reluctant to

purchase manufactured articles. Will the Indians be able to consume the home products ? How can they increase their purchasing capacity ? These are big economic problems. Some of these problems affecting the interests of the Indian citizens will be discussed in this volume. But the main problem is how a citizen can manage the affairs of the community in a better way and how he can increase his usefulness as a citizen. For this purpose he has to carefully note the system of administration of the village, the city, the province and of India as a whole and to study the relations of India with England and other countries of the world. When he has understood clearly the working of the machinery of Government he will come to know his duties.

CHAPTER II

THE VILLAGE

Rural Life

The vast majority of the people in India live in villages. According to the last census report only about 10 per cent of the total population live in urban areas. There are only 2575 towns whereas there are no less than 696,831 of small and scattered units known as villages. Population in urban areas is nearly 39 millions, and in rural areas 314 millions. The village is the earliest institution in India. The early settlers lived in small groups on the banks of the rivers or in places where they could easily procure food for themselves and forage for their cattle. These settlements were very often liable to attacks from other groups or tribes or foreign invaders. To save themselves from these attacks the villagers had to set up defensive works and within these protected places they organised their common life, developed their economic and social welfare, promoted their spiritual and religious endeavours and everything to enrich their communal life and to strengthen their political unity. In the absence of any danger from external enemy they spread out into the open fields and lived their pastoral life in happy contentment. In the village the people cultivated their lands, tended their flocks of cattle, and spent their leisure hours in religious festivities and other enjoyments. These villages became self-governing units with their own institutions which have retained their vitality down to the present day. A child born in such surroundings love to live a life of ease and comfort. It becomes a pleasure

to him or her to improve the condition of things of his or her rural settlements when he or she comes of age. Thus begins the spirit of service for the fellow-countrymen and this leads to the sentiment of patriotism and the love of the country. A nation's greatness is measured by the amount of sacrifice of the citizens for their native land. The village is the cradle of national life.

Characteristics of the Village Life

The main characteristics of the village life has been described by the Royal Commission on Agriculture in the following passage :

"Each village tends to be self-contained; in each will easily be found some persons with permanent rights in the land, either as owners or tenants with hereditary occupancy rights; of these some cultivate all they hold, others with larger areas at their disposal rent out to tenants on a yearly agreement, a part or whole of their lands; below these in the scale are agricultural labourers frequently of different small plots in proprietary rights or permanent tenure, some have a field or two on rent; some work in the field only at time of pressure and are mainly engaged in crafts such as leather work or in tasks regarded as menial. In all but the smallest villages, there are one or two skilled artisans, carpenters or ironsmiths, who provide and repair the simple agricultural implements, bullock gear and water-lifts. The household requirements are supplied by a shop or two, whose owners frequently provide the first market for the village produce and add to their earning by engaging in money-lending. Almost invariably there is a religious building, a temple, shrine or mosque."

A villager lives in an atmosphere of ease and simplicity. In his village he is generally free from the modern conventions and the craze for ever-changing fashions. The village

is to him his whole world. But in the present political condition of India it has lost its old independent position. It is now an integral part of the district and in many respects it has ceased to be self-governing as it was in the ancient times. Although in some important matters the village community still retains its hold the pressure from outside has started the process of disintegration. A village now is socially tied to the neighbouring town, economically to the nearest port or market town, and politically to the district court which is bound up with the central government. Besides, the modern system of education is breaking the old barriers, even the old caste-guilds are relaxing their rigidity and iron rules. Individual freedom is encouraged by the modern laws, and the hard social customs have to yield to the adjudication of the British courts. In spite of the many disintegrating forces in many parts of India the village community still retains its old character.

A village is but a small place, its population is scanty, and in the modern condition of things when our requirements are large they cannot be met within a small area of limited resources. Several villages have to combine for various services, *e.g.*, one post office serves many villages, patients from different villages attend one hospital, and pupils from distant villages come to one middle school and very often one primary school serves more than one village. In some parts of India drinking water is drawn from a central tank or a tube-well by men and women of different villages. For the purchase of necessary commodities of everyday use people have to travel long distances to reach a market place. The weekly or bi-weekly markets provide an opportunity for the exchange of the agricultural produce. The co-operative credit banks which have recently come into existence serve the villages in alleviating their indebtedness. There is very often a fair or mela in a central village where there is a

shrine or interesting place. These fairs provide an occasion for inter-village activities. They have their social enjoyments and games and sale of various articles which are not easily available in the village. For other purposes the village depends upon the administrative machinery of the district, province or the country. In some of the important matters it is bound up with the Government of the British Empire and the Imperial organisation. A citizen of India living in an out of the way place is thus connected with the vast Empire over which the King of England presides. Not only that, he comes into contact with the other nations of the world through the League of Nations of which India is a member.

The Village Community

The special characteristic of the rural life in India is the system of village community. The village in the ancient times contained an organisation consisting of the village elders and the important proprietors of land for the management of their local affairs. The nature of this most ancient institution has been very graphically described by Sir Charles Metcalfe who, in the course of his evidence before the Parliamentary Committee in 1830, said :

"They seem to last where nothing else lasts. Dynasty after dynasty tumbles down ; revolution succeeds revolution ; Hindu, Pathan, Mughal, Mahratta, Sikh, English, are all masters in turn, but the village communities remain the same. In times of trouble they arm and fortify themselves : an hostile army passes through the country ; the village communities collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible they flee to friendly villages at a distance ; but when the storm has passed over, they return and resume their

occupations. This union of the village communities, each one forming a separate little state in itself, has I conceive, contributed more than any other cause to the preservation of the people of India through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence."

The village community grew out of natural condition of things in India. In most cases it was the organisation of the proprietors of land to maintain their position and in other cases it was an organisation of the village elders. It grew spontaneously and did not owe its existence to the benevolence of the government. In the state of political instability due to the change of dynasties these village communities served a very useful purpose, and it was the rural organisation that has conserved the Indian culture and civilisation. The authority of the alien rule for ages could hardly disturb the placid life of the people. The rulers in their capitals could not provide for convenience of the remote villages and the villagers had therefore to fall back upon their own resources for their daily needs. On the other hand the Government realised that they had to depend upon the revenue supplied by the people so they thought it expedient not to interfere with the autonomy of the village communities. The centralised British rule failed to appreciate the advantages of this system, so in the beginning these self-governing rural bodies were neglected. But experience has proved the utility of associating the people in the administration of the country and since the time of Lord Ripon attempts have been made to revive the old system. It has been found undesirable that every little dispute in the village should be carried to the British courts and that an appeal should be made to the central authority for every local need. There is a general

desire now to organise rural organisations by which the people can develop their sense of self-respect and mutual service.

Village Self-Government

The *Panchayet* was the traditional institution for controlling the village activities and for promoting the village welfare. It was an informal body consisting of the village elders and it used to function whenever there was any common necessity in the village. With the growth of the powers of the central government this old institution had lost its usefulness. The more efficient British courts have superseded the Panchayets in the administration of justice and the present system of government has undermined the autonomy of the self-constituted institutions. But larger experience has proved the value of giving some powers to the Panchayets. The village communities in the Punjab retained some of their activities specially in matters social and religious. By the *Panchayet Act* of 1912 an attempt was made to restore civil powers to the Panchayets but as the Act made them only arbitration committees which could function only when both the parties in a suit would agree to invoke their aid the law became practically ineffective.

The report on Indian Constitutional Reforms published in 1918 laid it down that the process of enabling Indians to determine for themselves what they want done should begin in local affairs; and in pursuance of this policy the first formula of constitutional progress was enunciated: "There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." The work of reconstruction started in Bengal when Sir S. P. Sinha (who became the first Baron of Raipur and who was the first Indian to become a member of the British House of Lords) introduced the Village Self-Government Bill. As the result of this legislation Union Boards have

come into existence and they are credited with many useful services. The Bengal Village Self-Government Act of 1919 has been the precursor of similar legislation in other parts of India. The provincial legislative councils have thus created Panchayets, Union Boards or Union Committees as the case may be, with elected and nominated members to discharge specified functions. These newly created bodies have not appealed to the imagination of the people as they lack the spontaneity and the organic character of the ancient system. Some of the appointments are made by the district authorities, and the official interference in local affairs is resented as an encroachment upon the autonomy of the village institution. The Panchayet system has been revived in the Punjab by a law passed in 1922. In the villages which still possess some corporate feeling the Panchayets have been constituted under the leadership of the Lambardar or the headman of the village. These Panchayets working in about 300 villages have been given powers to dispose of civil and criminal cases. The members are elected but their election is subject to confirmation by the Government. The Panchayets also perform certain administrative duties which they carry out with funds allotted to them for the purpose. They are also empowered to levy certain village rates and they enjoy the village *Malba.*

The rural bodies in other parts of India have been endowed with more comprehensive functions. The Statutory Commission which came out to India to inquire into the constitutional progress of the country since 1919 was impressed by the progress in village self-government in the United Provinces, Bengal and Madras. By 1928 there were 2874 Union Boards in Bengal out of a possible 6478 and in the Presidency of Madras there were 4594 Panchayets serving a population of 8½ millions. The functions of the Panchayets have been described in the Report in the following passage :

"The village *Panchayet*, or Union Board, is of special interest and of importance as being an attempt to recreate the village as a unit of self-government. It has jurisdiction over a village or group of villages. Its primary function is to look after such matters as wells and sanitation, but it is sometimes entrusted with care of minor roads and the management of schools and dispensaries and, in Madras, of village forests and irrigation works. In some provinces, it has also been given power to deal with petty criminal and civil cases."

These functions cover a large area of rural life. The villagers can live in health and comfort if the services rendered by the rural bodies be efficient. Wisdom, sympathy and a readiness to do justice and to render help to the co-villagers irrespective of their caste and creed are the virtues necessary to make the institution successful. One of the gravest defects of the rural life is the spirit of faction, and it is believed that progress in public life has been greatly retarded by mutual suspicion and jealousy. An educated young man can render great service if he can organise village life on the basis of trust and fellowship. He can utilise the Panchayet for the purpose of bringing about a new atmosphere in the village. He can dispel the canker of distrust, and by an honest endeavour to develop the village life on the modern lines he can enlist the co-operation of his modest neighbours.

It is a difficult task for the village committees to find money for their activities. The main source of their income is the contribution from the district board and local board funds. They are also allowed to levy taxes on house and other properties. The villagers are not well off to pay for the services they receive. Any proposal of increasing their burden is not therefore likely to be favourably received. Within their limited resources the village committees have

a great deal to promote the welfare of the villagers. They have given a training to the people in the art of managing their own affairs. The representatives of the villagers under the vigilance of their own people can undertake measures of improvement which the well-organised central government can never adequately perform. The educated people alone can guide their fellow-countrymen in the public life of the village. When the villagers feel an interest in the administration of the village they would gradually develop a sense of responsibility, and in time they would become competent to watch the broader problems of the country. National progress in India is possible if the constitution is broad-based upon an efficient and popular village organisation. No system of government has a chance of success in this country if it does not take into consideration the interests of the vast population scattered in about 700,000 villages.

Village Functionaries

The villages have been classified into two main types, *viz.*, the joint or landlord village prevalent in the Punjab, the North-western Frontier Province and the United Provinces of Agra and Oudh, and the severalty or ryotwari village as in other provinces. In the joint or landlord village revenue is assessed on the whole village which is owned by one landlord or a group of proprietors ; but in the ryotwari village revenue is assessed on individual tenants. The landlord or the proprietor enjoys great influence and he generally controls the affairs of the village. The landlord however is rather reluctant to part with his authority and he is very often opposed to the extension of rights to his subordinate cultivators. But there are some who are quite anxious to seek the co-operation of the villagers, with whose help alone they can maintain their position. In the ryotwari villages people generally depend upon their

own efforts, and in such places the modern ideas of democracy can easily be worked out, provided there is efficient leadership.

In villages of all types there is generally a headman who is known in the Deccan as Patel, in the South as Reddi, and in the North as Lambardar. To assist the headman there are Chaukidars and accountants. The Lambardar in the Punjab is appointed by the Deputy Commissioner, and if he happens to be the natural leader of the village his influence is very great. He enjoys certain legal powers for the maintenance of peace and order in the village. He presides over the village Panchayet and administers the village funds such as the *Malba* and the village rates. The village council under his leadership controls the village priests, artisans and menials.

The *Chaukidar* has been a useful village functionary to assist the headman in his various duties. Originally he was a menial of the village community, paid out of the village funds in kind or cash. As his income from this source was not adequate he was allowed to carry on his domestic duties, to cultivate his lands, and to undertake any other business such as keeping a shop or tending flock of cattles. In some places he was granted land in lieu of his service to the village. Although law recognises him as an assistant of the headman and a menial of the village his appointment or dismissal is determined by the District Officer who also marks out the beat for every watchman. If there are five or more Chaukidars in a village or group of villages one of them is appointed as *Dafadar* to supervise their work. The pay of these men engaged in watch and ward comes out of a *Chaukidara* tax levied upon all occupants of the houses within the beat on the basis of the annual value of the houses. Besides the duty of maintaining peace and order the headman and the Chaukidar are responsible for reporting crimes and they are empowered to arrest persons suspected of crime. It is also the duty of the Chaukidar to report births and deaths within

his beat at the time of his fortnightly attendance at the police station. There was an attempt to make the Chaukidar independent of the village headman but this idea was not accepted by administrative officers and the Police Commission of 1902-3 maintained the principle that the Chaukidar should remain a servant of the headman. His pay has been increased by law and his position in most cases is still very anomalous. He is supposed to be an intermediary between the Government and the people but the recent events have shown that these functionaries are considered more as agents of the Government than as servants of the village community. But in places where the Union Boards have been organised the Chaukidar is a servant of the Board.

For the purpose of watch and ward in emergencies Government may ask the villagers to undertake patrol duties on the basis of the old system of *Thikri Pahra* (beat duty taken on rotation by the men of the village) and *Nakabandi* (picketing of bridges, roads etc. at night). Such service originally was of a voluntary nature but the Government, by the special law known as the Village Patrols Act, intends to enforce it whenever it thinks it necessary. The method might prove useful for the maintenance of peace but it is doubtful whether in cases of grave popular discontent it would be of any use. Forced service in all countries has greatly been detested, and it is not likely to be popular in any part of India.

The records of the village are kept by the *Patwari*. This functionary is useful for the collection of revenue as he keeps the records of the survey of the estates in the village and the maps indicating their boundary. He also carries on an inspection of the crops for each harvest. He notes the amount of yields in case of each field and the change of possession if any. With the help of the notes kept by the Patwari a settlement is made. An influential man from a group of

estates is appointed Zaildar for the purpose of supervising the work of the village headmen. These functionaries are controlled and guided by the police officials, magistrates, and revenue officers. A Patwari is a village officer drawing a salary for his work but his post is non-pensionable and he is placed directly under the control of a *Kanungo* who is generally recruited from Patwaris of at least three years' service, who have passed the Matriculation examination and are not more than twenry-five years old.

The village work is thus carried on by a number of functionaries, and the welfare of the village depends upon their honesty and sense of responsibility. The villagers may suffer if these functionaries are careless or selfish.

The Problems of Village Life

The Panchayets are not organised to serve every village, and where they have been brought into existence they have not yet become very popular. People look up to the Government to do everything for them. They have not yet been trained to work for the common good. The idea of finding money from amongst themselves by taxation for the purpose of improving the condition of the village does not appeal to them. The ancient village institutions in India have become disorganised, villages have become insanitary, people have lost their love for the fellow-villagers forming the community, and the struggle for existence has become very acute. Individuals trying to stand upon their own resources find themselves in a precarious condition. The poor are becoming poorer and the weak weaker. The solidarity of the group has been broken, and there is practically very little to keep them together. To settle their petty quarrels they go to the British courts ; to construct a road, to have a supply of pure water, to start a primary school, to make arrangements for the treatment of the sick, they apply to the District Boards

or other outside agencies. The local authorities have become paralysed. The Union Boards depend for their income upon grants from the District Boards or Government. It has been found impossible at present to make the village self-sufficient as in the olden days. It cannot be separated from the larger life of the district, province, and the country. But the administration of the village can be so organised as to leave ample scope for self-government and at the same time to enrich the broader life of the nation.

To restore the economic prosperity and health of the villages we have to organise village life on the basis of mutual service. The educated people shall have to go back to the villages to undertake this work of organisation. They will have to bring light into the dark and dreary homes of their fellow-countrymen, to guide them in the ways of the healthy living, and to work with them for economic salvation. For economic improvement they shall have to remove their burden of indebtedness, to provide cheap credit, to improve agriculture, to revive village industries, to improve the breed of cattle, to obtain healthy, good and scientific implements, manure and other things needed for agricultural purposes, and raw materials for cottage industries at low rates, and to arrange for the sale of produce and manufactures at good rates. We require scientific knowledge and ability to organise in order that the host of money-lenders, middlemen, and other parasites of society may be removed. We require to stimulate in the people a desire to live a healthy life. We want at the same time to convert the villages into scenes of happiness and prosperity.

The problems of village life are therefore so many. The first and the most pressing problem is that of poverty. Majority of the people live on the brink of starvation. Agriculture is their main occupation; about 66 per cent of the people depend upon agriculture, 10·5 per cent upon

industry, 5·5 per cent upon trade, and about 3 per cent upon public administration and liberal arts. In agriculture again the area of holdings per cultivator is very narrow; the average area held by right-holders is under two or three acres and the proportion of holdings under one acre is very high. A survey was made into the condition of 2397 villages in the Punjab, and it was found that 17·9 per cent holdings were under one acre, 25½ per cent between one and three acres, about 15 per cent between three and five acres and 18 per cent between five and ten acres. But this does not give the true picture of village life. There are a larger number of landless cultivators in every province and they out-number the permanent right-holders. As industries and other occupations absorb a small percentage of population the pressure upon land is very great. The resources of the poor peasant are limited, and he is always in debt. Sometimes he finds it difficult to dispose of his agricultural produce, if he has any surplus, at a fair rate. On account of social and religious customs he has to incur certain expenditure which he can hardly meet from his own income. To solve these economic problems several attempts have been made; co-operative credit societies have been organised to reduce indebtedness, small-holdings are being consolidated, thrift is encouraged, and other measures are adopted to improve agriculture. The results of these measures are still inadequate compared with the gravity of the situation. The remarks of the Simon Commission in this connection are worth quoting:

"But the fact remains, and must remain, that in a country so extensive as India, the effects of any single measure are apt to be so dispersed that they can be discerned with difficulty and that in spite of the progress that undoubtedly has been made and of the great increase in the gross wealth of the country, the ordinary cultivator on the tiny plot is still a

man of few resources, with small means for meeting his limited needs—usually illiterate, though not on that account wanting in shrewdness—with an outlook confined by tradition and environment, and needing above all things that those who consider his future as a citizen should understand something of his life as a man."

The second problem is that of health. On account of their poverty people do not get sufficient nourishing food. They are ignorant of the ordinary laws of sanitation, and consequently they acquire unhealthy and filthy habits. There is dearth of good drinking water in many places. The village refuse lies scattered, and there is scarcely any conservancy arrangement. The roads and drains are hardly kept in a sanitary condition and consequently the epidemics find the villagers their easy prey, and infants die in large numbers. People have no money to receive medical aid. Voluntary efforts are being made to awaken a public health conscience among the people. In the Presidency of Bombay a scheme has been introduced for giving training in the rudiments of health to the elementary school teachers. The experiment has proved quite successful. In some provinces subsidies are given to private medical practitioners. The number of health visitors has been increased almost everywhere. Voluntary societies like the Seva Sadan in Bombay, the Bengal Co-operative Anti-Malarial Society, and the Rural Reconstruction centres of the Young Men's Christian Association are doing splendid work among the people for their uplift. Midwives are trained in places. The work is however stupendous and it requires not only money but knowledge and efficient guidance for a satisfactory solution.

The central problem of the village life, as it has been pointed out by Mr. Moreland to the Royal Commission of Agriculture, is psychological and not technical. The will to live better must furnish the driving power without which

improvements in agriculture and commerce will not give an adequate return. The dominant feature of rural India at the present day is that the will to live better is not a force to be reckoned with, except in particular circumstance. What the people are in need of is leadership. The Royal Commission regretfully remarked that there were none in the Indian village corresponding to the squire, the doctor and the parson. The educated man is not willing to live his life in a village except in a few rare cases where ideals of social service overcome the absence of social amenities. It has therefore been suggested that the village teacher should take up this leadership. The Auxiliary Committee of the Statutory Commission noticed that during the past few years there has been a growing feeling that the village school should not be regarded merely as a place in which the village school master teaches, and the village school should not be regarded merely as a place in which the village school master teaches, and the village children learn the elements of literacy, but that the school master and the school should become the main centres of village life. Besides, it has been felt that progress of India is bound up with the spread of education. Neither economic improvement nor political advance is possible till the masses are sufficiently educated. "It is indeed plain," remarked Montagu and Chelmsford, "that there is immense work of education to be done throughout the country-side. Everything that tends to waken the Indian ryot's intelligence, that helps him to be an independent, self-determining man; everything that breaks down the barriers between communities, and makes men regard each other as neighbours, and not as the wearers of some caste or creed insignia hastens on the day when self-government within the Empire will be attained. All this work the educated Indian can, and ought to, undertake. The work is more than arduous. It demands men who are really thinking of their country, who really have the

interests of the masses at heart—men of courage and fixity of purpose, who do not fear responsibility, and are capable of leadership."

Rural Reconstruction

The necessity of improving the condition of things in the villages is urgent. The health of the people in the rural areas is deteriorating and their economic life is extremely poor. It is a general complaint that the educated and able men gravitate towards the towns and the villages are neglected. Education has made very little progress in India. Not more than 8 per cent can claim to be literate, and of them men are literate by about 13 per cent and women 2·34 per cent. Where 92 per cent of the people are ignorant of the letters it is futile to expect them to organise plans of improving their neighbourhood. In the olden days the work of keeping the village clean and organising welfare service used to be carried on by the village communities. The temple of the village was the centre of all the activities and there the villagers discussed among themselves the various measures necessary for common good. With the coming in of the alien government which has centralised all the forces in the national life the source of rural vitality has dried up. No centralised government, however extensive and efficient it may be, can adequately deal with the rural problems. Each area, almost each village, has its own peculiar problems. The national life cannot prosper unless the vast majority of the people in the villages can get back their health, economic sufficiency, social freedom and liberty to organise their own welfare.

The grievance of the villagers is that the revenue derived from the country is not spent upon their needs. The greater portion of the money they contribute is spent in maintaining the army, the police and the government offices, and very little is spent in improving the moral or physical well-being

of the people. The villager is left very little after paying the demands of the state to contribute towards the improvement of the village life. The cost of living has increased but the power of increasing the income has not been developed. Unless the earning capacity of the people is sufficiently developed they can hardly be expected to contribute anything to rural reconstruction. But they can co-operate among themselves in organising measures which may not require any money. In keeping their neighbourhood clean they have to be taught the laws of sanitation. The old religious spirit of service to the fellow-beings has to be revived. A new orientation of the village life is possible only when there is intelligent leadership.

The first requisite of the village life is a well-planned scheme of education. The present system of education is not helpful to a villager. A child is taught to think of affairs with which he has no intimate relations. The problems of rural life are hardly discussed. A new type of education in which the child will not only be taught the three R's but should be given a training to develop his or her hands, eyes and ears in such a way that he or she would never think himself or herself absolutely helpless. He or she should be able to utilise the resources at his or her disposal to help the fellow-men and women and to improve the environment. No child in the country should go without education. A properly organised scheme of education should be a source of strength rather than a burden upon the nation. When the villagers will learn the laws of health, sanitation and the method of living and better thinking they will be able to solve their own problems. In England the expansion of industrial and political life required the extension of education, and it was said that they were educating their masters. The extension of political rights in India similarly requires the widening of the portals of the goddess of learning.

Next to education the village life is in need of economic sufficiency. Agriculture still follows the old method, land is not taken proper care of, and people have not the means to control the natural forces. The village industries are decadent and they can hardly stand against the cheap machine-made goods imported from abroad. Efforts have to be made to develop these industries in a way within the grasp of the people. The co-operative movement is now confined mainly to credit business. If it is extended to production and purchase and sale it is likely to improve the economic position. In other countries co-operation has not only brought wealth but has restored the confidence of the people in themselves. The co-operative movement in India has done some good. But it is still guided and directed by the Government. The share of the people in this work is not very great. The movement shall become a vital force when it will be directed by the people themselves and will not look forward to any external support.

The co-operative spirit should organise measures for village sanitation. The removal of filth and refuse to places where they might be utilised as manure is not a difficult task. Mr. F. L. Brayne tried this policy in Gurgaon and this forms an important part of rural reconstruction. The fields derive nourishment from the things thrown out by the villagers. The cowdung should lie in the fields, and trees should be grown for fuel. It is a bad policy to cut down the trees and to clear the forests. They serve a very useful purpose They cannot only be used as fuel but they produce rains. The villagers should combine in producing and conserving their own resources.

Recently there have been attempts on the part of the politically minded people as well as of the Government to improve the village life. The efforts made by the National Congress are spasmodic and there is no system in them. The

village uplift cannot be achieved by outsiders. The Government has taken the wind out of the sail of Mr. Gandhi and is devoting some money every year to village welfare. One party wants to capture votes and the other to reduce the influence of the Congress. The supply of good drinking water, distribution of medical relief, prevention of epidemics, construction of roads, diffusion of knowledge, utilisation of economic resources and organisation of the popular activities should form the main work of rural uplift. But Government spends money upon its staff and in publicity more than in actual work. The money should go to the people and the Government should see that it is not misused. But the method is otherwise, and so it has received adverse criticism.

CHAPTER III

THE DISTRICT ADMINISTRATION

The District in the System of Administration

The village is controlled by the district officer, and for the government of the rural areas the district forms an important charge. When Akbar organised his system of government he distributed the work of administration among a number of responsible officers who were called (Subadars.) The old Subah was transformed into a province by the British rulers. Each Subah was divided into a number of Sarkars and the Sarkars into Tarafs. These divisions followed in most cases certain historical traditions and natural boundaries. When the East India Company assumed the administration of the country these divisions were transformed into the modern divisions, districts and tahsils or taluks. The district has become the unit of administration and the district officer the representative of the Government to the people. The people look up to the district officer for the redress of their grievances and for the promotion of their general welfare. He is the general controlling authority over all departments in each district and the real executive chief and the administrator of the tract committed to his care.

For all purposes of administration, revenue, civil and criminal justice, education, sanitation and rural development the district is an organic whole. It is, no doubt, true that the British Government has organised the districts according to their convenience in administration but the division has generally followed certain geographical consideration and historical tradition. The main purpose of the district is to

organise the collection of revenue and the maintenance of peace but as a convenient area all other important activities of administration are focussed there Every inch of soil in British India except the presidency towns forms part of a district and each district is controlled by an officer called the Collector in the old provinces and Deputy Commissioner in the non-regulation provinces. There are 224 districts in the whole of British India, the United Provinces having the largest number, *viz.*, 48, the Punjab 29, Bengal 27, Bombay 19, Madras 25, C. P. and Berar 19, Behar 16, Assam 10, N. W. Frontier 5, Baluchistan 9, Orissa 6, and Sind 8. Delhi, Ajmer-Merwara and Coorg are each administered by a Chief Commissioner. Some of the districts are very extensive and have a large population. The district of Mymensing in Bengal has a population of over five millions. The area of a district varies from two to ten thousand square miles.

The District Officer

The district officer is ordinarily a member of the Indian Civil Service, only a small percentage is promoted from the provincial service as listed officers, and in the Punjab, Baluchistan and the Frontier some officers are recruited from the Army. The duties of the district officer are multifarious. His first duty is the collection of the land revenue and the maintenance of peace and order within the district. The wide range of his duties has been described in the Report on Constitutional Reforms:

"The district officer has a dual capacity; as Collector he is head of the revenue organisation, and as Magistrate he exercises general supervision over the inferior courts and, in particular, directs the police work. In areas where there is no permanent revenue settlement, he can at any time be in touch through his revenue subordinates with every inch of his territory. This organisation in the first place serves its

peculiar purpose of collecting the revenue and of peace. But because it is so close-knit, so well established and so thoroughly understood by the people, it simultaneously discharges easily and efficiently an immense number of other duties. It deals with the registration, alteration, and partition of holdings; the settlement of disputes; the management of indebted estates; loans to agriculturists; and above all, famine relief. Because it controls revenue, which depends on agriculture, the supreme interest of the people, it naturally serves also as the general administration staff. The revenue officials and, to a much more limited extent, the police, convey the orders of Government to the people in hundred ways. Taken together, these two agencies act as the general representatives of Government over the country to its remotest borders, and apart from them, there is no other. Several other specialised services exist, with staffs of their own, such as the establishments for irrigation, roads and buildings, agriculture, industries, factories, and co-operative credit. These are controlled not by the district officer but by their own departmental heads; they may be regarded as a different set of strings connecting the Government with the people. But in varying degrees the district officer influences the policy in all these matters, and he is always there in the back-ground to lend his support, or, if need be, to mediate between a specialised service and the people."

The relations between the district officer and the head of the police force in the district are very close. The police force is under his control and direction as he is primarily responsible for the maintenance of law and order and criminal administration of the district. It is the duty of the Superintendent of Police to keep the Magistrate fully informed of all matters of importance concerning the peace of the district and the state of crime. The District Magistrate has to consult the Superintendent of Police in all matters before he issues any order for the guidance of the people.

Till the reforms of 1919 the district officer was also the chairman of the district municipality. Since the reforms he has been relieved of these duties in most parts but he is still intimately concerned with the effects of the policy and individual acts of self-governing bodies upon the people, says the Report of the Simon Commission. In all matters requiring the orders, assistance, advice or interference of Government the district officer is still looked up to by the authorities concerned with local bodies, the non-official chairman or the superior Commissioner or the Minister.

The district officer combines in himself the dual functions of judge and executive authority. It is considered undesirable that one person should become both the Prosecutor and the Judge. Some people urge that the District Magistrate should be armed with full powers for preventive justice, but it has been pointed out by the Simon Commission that it is difficult to draw a precise line between what is preventive justice and what is purely judicial work. The case is, therefore, manifestly a much stronger one for change according to the Statutory Commission.

In spite of the reforms the district officer still wields great influence in the district. He is expected to give a lead in several matters affecting the welfare of the people. "He wields large powers of patronage; he is responsible for making a vast number of minor appointments, for instance, of village headmen and accountants, of revenue officials and office clerks. His recommendations for honorary magistrateships and nominated membership of all local self-governing bodies are ordinarily accepted. He can grant seats at ceremonial functions such as "durbars" (much prized as social distinctions), and the coveted Indian titles and honours, and other rewards are usually conferred at his suggestion." (Report of the Simon Commission). Besides these duties he is very often approached to settle many a dispute and his help

is invoked to avoid communal clash. It is contended that as he has numerous sources of influence as Collector he can deal successfully in critical situations. He feels the pulse of the people and keeps the Government informed of the currents of public opinion and the tendencies of social and economic movements. He is the actual authority with whom the people have to deal. The success of administration depends upon the personality of the district officer. If he is sympathetic and can enter into the feelings of the people he can do a lot of good. But if a District Officer is stiff-necked and obtuse he only adds to the troubles of the people as well as of the Government. It is the duty of the citizens to keep the district officer fully informed of the actual situation. Very often troubles arise through misunderstanding. If the citizens co-operate with the officer responsible for administration and the officer tries to solve the problems of the people in a broad and generous spirit then the country enjoys peace and prosperity.

Subordinate Agency

In all his manifold duties the district officer is assisted by responsible officers in the headquarters of the district. Men recruited from the Civil Service are appointed to various posts under the district officer and they hold the position of the heads of several departments. The district is divided into circles, tahsils or taluqs. There is a Sub-divisional Magistrate in each sub-division exercising similar powers as the district officer, but he has always to look up to the district officer for guidance in the general administration. The Circle Officers, Tahsildars, Kanungos and other subordinate officers are under the control of the sub-divisional officer. The district officer generally goes out on tour to supervise the work of the subordinate officers and to keep himself in touch with the people. The strength of the administration depends upon his ability and power of guidance. He is the

most important part of the "steel frame." But he depends upon his subordinates for advice and execution of orders. He has as his immediate subordinates one or more additional Magistrates, Joint-Magistrates, Assistant Magistrates or Assistant Commissioners from the Indian Civil Service; Deputy Magistrates and Deputy Collectors, or Extra Assistant Commissioners from the Provincial Civil Service; Sub-Deputy Magistrates and Sub-Deputy Collectors from the Subordinate Civil Service or other lower services. In every department there is a big clerical staff which serves as the secretariat. These ministerial posts are at the disposal of the District Officer but the Magistrates of the different grades are appointed by the Secretary of State or the Provincial Government. The District Officer has to guide, supervise and instruct all the officers under him and to report to the Government about their work. The Provincial Service men at the headquarters of the district are very often men of great experience and the District Magistrate receives his training from them. The actual policy of the administration is shaped by the District Officer who is expected to possess a greater amount of responsibility than any other officer.

Divisonal Commissioners

In all provinces except Madras and the smaller provinces of Orissa, Sind and N. W. Frontier and Chief Commissioners' provinces a number of districts is grouped into revenue divisions under an experienced officer of the Indian Civil Service known as the Commissioner. This officer is considered by many as an unnecessary link in the administrative chain. In fact there is no officer of this rank in one big province. But in other provinces the post of a Divisional Commissioner is held by an experienced officer who has acquired vast knowledge of district work. The Commissioner

hears appeals in revenue cases from the District Collector and exercises general supervision over the district administration. He has also certain specific powers and has direct control over certain branches of district work, particularly in the business of the local self-governing bodies. He is the main channel of communication between the Provincial Government and the District Officers. He does not generally come in closer contact with the people than the District Officer but his real service lies in guiding the District Officers and supervising the activities of the local bodies who have to frame their budgets and programme of work under his guidance.

The services of these experienced officers are found very useful at the time of famine and flood or other calamities of an extensive nature. The Commissioner is expected to have a wider knowledge of things and his advice is often sought on such occasions. He is the intermediary between the local Government and the District Officers and Government counts upon his advice in financial measures affecting the country-side. The irrigation projects, roads and communications and other public works require his report before final sanction.

District Judiciary

Executive authority and judicial functions are intimately connected in India. The District Officer is the District Magistrate and he tries all criminal cases and also hears appeals from the courts of the subordinate magistrates. But the highest judicial officer in the district is the District Judge who administers both civil and criminal justice. He is responsible to the High Court for all types of cases coming from the district. At the bottom of the judicial system is the Village Panchayet having jurisdiction over one or more villages. A Panchayet can deal only with petty cases, both

civil and criminal. People in many places are still apathetic towards this local judiciary and carry their disputes to the stipendiary magistrates and civil judicial officers. The habit of litigation is greatly detrimental to the people. It not only involves great expenditure but creates a lot of misunderstanding. Many a family have been ruined by this pernicious habit of running to the British courts. The settlement of the disputes by the Panchayet with full knowledge of local circumstances is less dilatory, costs very little to the parties, and may ultimately, reconcile them and remove the cause of a future friction. The system has become very popular in the province of Madras and is gradually gaining ground in other parts.

The magistrates are the judges for criminal cases. The District Magistrate is the chief among the magistrates of the district, over whom he exercises supervision. The sub-divisional magistrates have also certain supervisory powers within their areas. The magistrates are divided into three classes: magistrates of the first class have powers of sentencing to two years' imprisonment and fining Rs. 1000. They can commit more serious cases to the Sessions Court and can take bonds for keeping the peace or to be of good behaviour. Magistrates with second class powers can sentence to six months' imprisonment and with third class powers to one month. Besides the salaried magistrates there are honorary magistrates with similar powers. They sit either in benches or singly according to the powers they enjoy. Respectable citizens help in the administration of justice by becoming honorary magistrates. The salaried magistrates are revenue officers and are recruited by the Provincial Government in some provinces by open competition and in other parts by nomination or both.

For the administration of civil law there is a set of special officers called Munsiffs and Subordinate Judges. They are

generally trained lawyers and are recruited by the High Court. The Subordinate Judges help the District Judge in hearing appeals from the lower courts. In the Punjab the lowest civil judges are the Subordinate Judges recruited by an open competitive examination. The District Judge tries both civil and criminal cases. He hears appeals from the lower courts and sits in the Sessions Court as the presiding judge and is assisted by assessors or jurors. The District Magistrate draws up the list of jurors and assessors from amongst the prominent citizens. Some classes of citizens such as lawyers, priests and men above certain age are excluded from the list. The citizens can help the administration of justice by serving on the jury or sitting as assessors. The Judge may or may not accept the verdict of the jury, but where he differs from them he has to refer the matter to the High Court. But in case of a trial with the help of assessors no such reference is necessary. The District Judge has the highest original jurisdiction in the district. He is a member of the Indian Civil Service, or of the Provincial Judicial Service or is directly recruited from the Bar. The boundaries of a district and the jurisdiction of a District Judge are not always the same. Sometimes a District Judge is placed in charge of more than one revenue district, *e.g.*, in the Punjab there are 21 courts for District and Sessions Judges whereas the number of courts for District Magistrates is 29.

The work of judicial administration is greatly helped by lawyers. They are graduates in law of some Indian or British University or are Barristers-at-law called to the Bar from British Inns of Court. Both the parties in a suit are represented by one or more lawyers, and where a party fails to pay for lawyers Government sometimes pay for him. These lawyers are expected to represent fairly the issues involved in a case and to help the judge in interpreting law. The lawyers are independent men and they can take part in

many public activities. A large number of the representatives of the people on the legislature are lawyers. They also sit on local bodies and in many places they have built up the public life of the district. The increase in the number of lawyers is however a source of great danger to the community as the men without brief very often stoop to methods not approved of by the code of morality or law. They try to increase litigation in order to earn a living for themselves. In fact many people look down upon the noble profession of law because of the practices of some undesirable members of the profession. The opportunities of lawyers to serve the community are very great. They are expected to take the lead in all important public movements.

District Police

The maintenance of peace and order of the district is left to the police. The District Superintendent of Police is a high functionary at the head of the police force in the district. He has a large staff under him. The police organisation is very well spread out from the district headquarters to the village. The chaukidar, constable, head-constable, sub-inspector of police, inspector of police, deputy-superintendent, assistant superintendent and superintendent form a hierarchy for the purpose of finding out thieves and criminals, for the detection of crime, and for the maintenance of order throughout the country-side. If there is a riot or communal clash the police would be there to arrest the breakers of the peace. If there is possibility of any breach of peace the police has to take measures to prevent any such occurrence. The lowest unit for a police organisation is a Thana or police-station in charge of an Inspector or a Senior Sub-Inspector with a strong battalion of constables, and there are a number of such Thanas within a sub-division with a Deputy Superintendent or Assistant Superintendent at the

head. At the top is the District Superintendent to supervise the police force of the district. He is directly responsible to the District Magistrate for all police purposes. He has to keep the District Magistrate informed, both by personal confidence and by special reports, of all matters of importance concerning the peace of the district and the state of crime. He has to depend upon his staff for a faithful discharge of his duties. Not only have the police to report and investigate but they have to prosecute in many cases. Special officers are deputed to the court as court inspectors and sub-inspectors. People come in intimate touch with the Government through the net-work of the police force. There is always a strong suspicion against the police in the country. This is due to various circumstances. But if a large number of educated Indians join the police force and do their work honestly they may become friends of the people. In that case co-operation between the police and the people may become easy.

A good citizen is always ready to help in the maintenance of law and order. If there is a robbery in the village it is first reported at the police station. An officer, say a sub-inspector comes for investigation. The village elders come to him to suggest who are the notorious bad characters in the village, and who are in the habit of stealing. They bring forward all relevant materials for a fair inquiry. No policeman can do anything without local information. If on the other hand the police harass an innocent person a good citizen can help him by giving reliable evidence regarding his character and antecedents. Co-operation of the citizens is an absolute necessity in the detection of crimes and for the maintenance of law and order. Police can render useful service to the community only when it is regarded as a helpful limb of the body politic. Suspicion of the motives leads to counter-suspicion and produces nothing but confusion. Trust begets trust and the result is peace and happiness.

Other District Functionaries

Besides executive government, judiciary, and police duties there are many other things necessary for the welfare of the community. We have to look after our roads and communications, health and sanitation, education, agriculture, health of the cattle, economic condition of the people, trade, industry and commerce, immigration and various other things. There is an officer for every department according to the requirements of the locality. Some of the functions have been entrusted to the local self-governing bodies like the district boards and municipalities, *e.g.*, roads, sanitation, primary education and other similar services. But the local bodies in India do not cover such a large area in the life of the people as they do in England and other progressive countries.

There is a Civil Surgeon in each district to look after health and sanitation of the country-side. He is in charge of the district hospital and the district jail, and he advises the District Officer in the matter of the health of the district. Some of his duties have been taken over by the health officer under the district board.

The areas of the Public Works Department in charge of roads, bridges, buildings etc., do not coincide with the revenue districts. Each division is placed in charge of an executive engineer who has under him a large number of assistant engineers and overseers. These officers are very useful to the people. They have to work in consultation with the executive department but they are not subordinate to the Collector of the district. Their department is altogether separate and they have their own grades of officers. In provinces where irrigation canals are largely used there are special officers for irrigation.

Government maintains educational officers for every district. There are Inspectors, Deputy Inspectors and Sub-Inspectors

of Schools in every district. These officers inspect the schools and report about the progress of education. Although local bodies are responsible for primary education the inspecting officers of the Government carry on the work of educational development under the direction of the district officer. They report regarding the efficiency of the institutions, recommend the grants-in-aid, and watch the discipline of the students.

There is an Agricultural Officer to advise the people regarding cultivation and Income Tax Officer for the assessment of income. The latter department is now centralised and is under the Government of India. A district is a self-contained unit for all the important services and there is sufficient scope for civic ideas to develop. There a citizen can endow a good educational institution, organise a scheme of sanitary improvement, add to the beauty of the countryside by his generosity, and artistic genius, enrich the culture of the locality by his literary contributions, devise schemes of industrial development according to the local needs and do everything in his powers to place the countrymen belonging to his district on a footing of equality with people of other parts. In fact local patriotism has gone a long way in promoting the general welfare of the country. By friendly rivalry the different districts have built up their own traditions of culture and national service. Men of Ahmedabad are justly proud of their contribution as may be the men of Midnapore or of Multan. The compulsory education introduced in one district is watched with interest by citizens of other parts and any industry started in one place encourages other districts to follow the lead. We grow in this way by comparison and emulation.

CHAPTER IV

LOCAL SELF-GOVERNMENT IN INDIA

Main Features of Local Self-Government in India

The self-governing institutions in India are quite recent. The old village self-government was limited in its extent and during the Moslem rule the urban areas were controlled by officers appointed by the Imperial authority. People had very little share in the administration of the country. It is on account of the absence of any share of the people in the government that the changes from one dynasty to another was not marked by a popular rising. Some of the British administrators trained in the system of democratic government at home felt the necessity of enlisting popular co-operation in the affairs of administration. Lord Mayo initiated a scheme of decentralisation and the idea of self-government was enunciated by Lord Ripon in a Resolution in 1882. A passage from that document is worth special study :

" In advocating the extension of local self-government, and the adoption of this principle in the management of many branches of local affairs, the Governor-General-in-Council does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government district officers. It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow."

To answer certain opposition to the new policy of initiating the people in the art of managing their own affairs the Resolution further said :

"It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government ; that they take but little interest in public matters ; and that they prefer to have such affairs managed for them by Government officers. The Governor-General-in-Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned District Officers ; and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public spirited men whom it is not only bad policy, but sheer waste of power, to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of over-work. Under these circumstances it becomes imperatively necessary to look around for some means of relief ; and the Governor-General-in-Council has no hesitation in stating his conviction that the only responsible plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs ; and to develop, or create if need be, a capacity for self-help in respect of all matters that has not, for imperial reasons, to be retained in the hands of the representatives of Government."

The Government was therefore gradually decentralised by the transference of certain functions to the local bodies which were created with a view to relieve the over-worked

officers and also to give a training to the Indian citizens in the art of administration. District and local or sub-divisional boards with union committees for rural areas and municipalities for urban areas were created. The initiative came from the Government officers who kept in their own hands the direction of the newly created institutions. The district officer took local self-government as one of his duties. He became the chairman of the District Board and also of the important municipalities. His will prevailed in all matters and no attempt was made to allow the opinion of the representatives of the citizens to shape the policy of the Board. Even the municipalities had to confine themselves to the instructions of the officials. The Government officers were reluctant to part with their powers to control the activities of the people in every sphere. "Whatever may have been the intentions of the Ripon Reforms," says the Report of the Simon Commission, "it is clear to us that, in fact, the custom of the country, force of habit, apathy, and lack of desire to assume responsibilities among those elected—together with the natural reluctance of an over-worked official, desirous of efficiency, to consume much time in getting things done badly which he felt he could himself do well—combined to prevent real and substantial progress being made in popular and political education in the art of self-government." The idea of training the people was practically ignored. Local self-government remained a department of the Government and the District Officer retained his full control till the reforms inaugurated on the lines of the Montagu-Chelmsford Report. It was stressed that the constitutional progress of the country could be secured by the extension of the franchise, by arousing interest in elections and developing local committees so that education in citizenship might be extended. The authors of the Report desired complete popular control in local bodies and largest possible independence for them of outside

control. The recommendations of the Montagu-Chelmsford Report have been followed to the letter in most of the provinces, and legislation has been undertaken with a view to make the local bodies independent of official control as far as possible. The local self-government is a transferred subject managed by a Minister responsible to the provincial legislature. The District Officer is not the chairman except in a few backward places. But the system has not yet been completely assimilated to the British system. In England the local bodies are growing according to the wishes of the citizens with expert help and the guidance and support of the Central Government. The local bodies can promote private bills in their own interest but in India they still depend upon the Government in various ways. The appointment of the chairman has to be approved of by the Government and some members are still nominated. The budget has to be sanctioned and the schemes of development have to be previously scrutinised and approved of. The accounts are audited by Government auditors and their reports have to be carefully followed. The members, however, are very jealous of their newly acquired powers and are very reluctant to allow official interference. In case of negligence Government may warn, and ultimately may supersede a body but there is no instrument to provide the local bodies with efficient expert advice and guidance.

District Board

The rural population of India have practically very little share in the administration of the country. The roads they walk on, the education they can afford to give to their children, or the help they receive at the time of an outbreak of an epidemic make them aware of the existence of some institution to which they can send some representatives. They pay an additional sum at the time of the land revenue, which the Board receives for its multifarious expenditure. The district

officer is the master of the entire country-side over which he presides. He has delegated some of his functions to the district board of which he was the chairman till lately.

Lord Mayo suggested the levy of a local rate for the development of communications. Sindh was the first to impose a cess on land in 1865; the next year Madras also passed an Act for the same purpose and Bombay followed suit in 1869. In 1871 legislation was widely undertaken in Madras, Bengal, the United Provinces and the Punjab for the levy of a local rate on real property and to form boards for its administration. The proceeds of the land cess was administered by committees consisting of members nominated by the Government, and which served merely as a body to advise the District Officer. The imposition of such a levy was greatly resented by the people, and as there was no share given to the people in the administration of the fund they contributed they considered it as a trouble and did not take any interest in the board.

The reforms of Lord Ripon completely changed the system. The elective principle was introduced. A net-work of boards was created for the management of local affairs. On account of the difference of local conditions each provincial government carried out the policy of decentralisation in its own way. In Bengal and the Punjab a District Board was created for each district but the formation of Local Boards or Union Committees was left to the discretion of the Local Government. In Madras *Panchayets* were formed for important villages or groups of villages, Taluk Boards for the subdivisions and the District Boards for the districts. There was no village board in Bombay, and the Central Provinces adopted the system of Madras. In Assam Local Boards took the place of the District Boards. In the Punjab the Local Boards were found superfluous and they were later on abolished. The Bengal Legislative Council has also carried a measure for the gradual abolition of the Local Boards with a view to remove an inter-

mediate body between the District Board and the Union Board.

The members of the District Boards are partly elected and partly nominated. In most of the provinces the rate-payers first voted in the election of the Local Boards and the Local Boards elected their representatives to the District Boards. But in the Punjab on the abolition of the Local Boards the power of election has been given to the rate-payers paying a minimum amount of cess and to those paying a tax on profession if they do not pay land revenue. In a number of backward districts the seats were filled by nomination till 1923. These boards now contain a number of elected members and other boards have been strengthened by a majority of the elective element. In 1918 the Government of India issued a resolution to increase the elective element in the local bodies and the introduction of the reforms since then led to further democratisation. In all provinces except the Punjab the chairman of the District Board is a non-official elected by the Board. The franchise has been extended for the election of members of the Local Boards. There is no direct election to the District Board except in the Punjab. In spite of the extension of the franchise not more than 3·2 per cent of the population have obtained the power to vote. In the Presidency of Bombay, the United Provinces and Assam separate communal electorates have been created for the Muhammadans. The Provincial Government in other places secure the interests of the minorities by nomination. The number of District Boards in India is 221 with 556 sub-district or local boards, and 810 union committees. The number of members of the Boards is about 1400, of whom 62 per cent are elected.

The functions of these boards are mainly construction, maintenance, and repairs of roads and other means of communication. In Madras the Boards have the power to

construct light railways, and the District Board of Tajorne works about 134 miles of railway. The second function of the Board is the maintenance of hospitals and the promotion of general sanitation of the district. They have to take measures for the prevention of epidemics and for drainage and water-supply. The third important function is the spread of primary education. They maintain schools for the children and help a large number by the system of grant-in-aid. Besides these, management of pounds and ferries, markets, rest houses, and other public works are vested in the Boards. The Boards also spend money on arboriculture, horse breeding, horse and cattle fairs. In times of scarcity and famine they organise measures of relief.

Each District Board has a District Engineer for the construction of roads, buildings and public works, and a Health Officer or a Sanitary Inspector assisted by a staff of medical men and vaccinators. In the matter of education the Board is advised by a District Inspector or Deputy Inspector who is an officer of the Government and who is assisted by a large subordinate staff. The Civil Surgeon of the district was the main authority for public health till the reforms. Even now his advice is sought on various problems of health. He is in charge of the district hospital and the medical representative of the Provincial Government in the District. He supervises the subordinate dispensaries and his opinion on other medical appointments under the District Board is valued.

The District Boards, which correspond to the County Councils in England, have greater advantage for rendering service to the community as they cover a much larger area and have to deal with a larger population. But the powers these Boards enjoy are restricted and the non-official chairman has not the same advantage as the District Magistrate and cannot check and supervise the work so efficiently. There is no officer corresponding to the Town Clerk in the English

local bodies on whom the Board can count for advice and guidance. The Secretary of the District Board is not so well-paid and he does not enjoy the same confidence as the Town Clerk.

The sources of income of the Boards are the provincial rates, the contributions from the Provincial Revenues, receipts from pounds and ferries, fees and other payments for educational and medical institutions. In the Punjab a tax has been imposed on professions for those who do not pay the land revenue ; it is known as *Haisiyat*, and great difficulties are experienced both in the assessment and collection of this tax. In some places arboriculture or the planting of trees on the way-side bring in some income. The income from provincial rates is derived mainly from a cess levied upon land according to the rental. In the Punjab the minimum per rupee is 20 pies and the maximum 2 annas ; and the total income of the district boards in India is over Rs. 1552 lakhs, of which provincial rates contribute Rs. 482 lakhs, civil works Rs. 205 lakhs and Rs. 865 lakhs come from other sources. The Boards in the Presidency of Madras have the largest income and the incidence per head is the highest in Bombay, *viz.*, 17 annas 6 pies and the lowest in Bengal, *viz.*, 4 annas 9 pies. The incidence per head in the Punjab is 14 annas 10 pies.

Under the head of expenditure education consumes the largest amount. Since the reforms the Boards are paying more attention to education and health. The sources of income are rigid and the requirements of the nation-building departments managed by the Boards are enormous. The rural populations are now taking greater interest in the boards as is evident from the attendance at the polls. People are gradually learning to utilise their power in checking corrupt and inefficient administration.

Subordinate to the District Boards are the Local Boards and Village Boards which perform minor works delegated to

them. They have no independent income; they depend entirely upon grants made to them by the District Boards. The Union Boards may levy a local cess in addition to the Chaukidari tax. But the members are reluctant to incur the displeasure of the voters. The citizens can help the growth of self-government by electing proper men to the Local Boards and District Boards and by developing public opinion for co-operation amongst themselves in the works of public utility.

Municipal Government

India is essentially a rural country with the vast multitudes of the people living in the villages. Only about 10 per cent of the people live in the towns. There are not more than 38 cities having a population of over 1 lakh each, and only 66 towns have each a population of over 50,000 but below 1 lakh, 269 towns have a population between 20 and 50 thousands. Places having a population of 5,000 and over are often classed as towns, but there are many villages with a much larger population than the minimum required for a town. These large places have their peculiar problems of health, sanitation, communication, housing, water-supply, lighting and conservancy. The residence of a large number of people in one place has its advantages as well as disadvantages. Generally the number of educated and wealthy people in these places is comparatively large. They can combine to obtain greater amenities of life and afford to pay for them. If they neglect to promote the interests of one another then they themselves would suffer. In the cities ruled by influential monarchs co-operation of the citizens has often been sought to maintain their health and beauty. The description of old Pataliputra, as given by Megasthenes, tells how the capital of the Mauryas was managed by a board of 30 members. Later, in the fifth century, we come across the description of the city of Dasapura managed by a rich trade-guild. Abul Fazl in his *Ain-i-Akbari* says that a town in the Mughal period was

placed under the control of an officer called *Kotwal* who had to perform all the duties of a municipal board. The British Government took a long time in associating the representatives of people in the management of towns and cities. The Charter Act of 1793 contains the first provisions for municipal administration. Justices of Peace were appointed by the Governor-General for the Presidency towns for judicial duties as well as for scavenging, watching and repairing the streets, with income derived from assessment on houses and lands. The elective principle was partially introduced in 1840, but in 1856 the municipal functions were vested in three salaried members nominated by the Government. The rate-payers were given the right to elect their representatives in Bombay in 1872, in Calcutta in 1876 and in Madras in 1878.

The Report of the Royal Army Sanitary Commission published in 1864 drew the attention of the Government to the unhealthy condition of the towns, and the necessity of organising municipalities for the crowded places was felt. Legislation was undertaken in Bengal in 1864 and 68 and in Madras in 1865; in the Punjab in 1867 and in the North-Western Provinces in 1868. The Punjab Act was extended to the Central Provinces and Oudh. Although in some provinces election was permissive nomination was the general rule. Under this law 198 committees were constituted in the Punjab, which were divided into three classes. These boards were useful in improving the sanitary condition of the towns but they hardly afforded any training in self-government. Lord Mayo's system of devolution gradually extended the elective principle. But the progress was very slow. Lord Ripon's Resolution of 1882 changed the outlook of urban as well as rural areas. He considered the association of Indians in the management of local affairs as a source of useful political and popular education. As a result of his noble policy municipalities, district boards and local boards were extensively created. But in these bodies the official inter-

ference remained so strong that the popular representatives took very little interest in them. In estimating the value of these boards an official statement says: "Despite this pronouncement, there continued a natural inclination to administer the institutions of local self-government through official agency, which was highly efficient, directly on the spot, and both able and willing to relieve the non-official members of the small responsibilities actually allotted to them. In consequence, for many years, the institutions of local self-government have failed to enlist the services of that class of public-spirited men, conscious of an ability to wield power, upon which the system depends so largely for its success in England and in America. Hence there came into existence a vicious circle: municipalities and district boards remained apathetic because the powers entrusted to them were as a rule, insignificant; on the other hand their powers continued insignificant because of the lack of public spirit among the members."

After the announcement made by the Secretary of State regarding the goal of British rule in India, Lord Chelmsford adopted a forward policy in the matter of local self-government. He echoed the sentiment of Lord Ripon and announced that "he felt that the time had come to quicken the advance, to accelerate the rate of progress, and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience." Shortly after the publication of his resolution in 1918 regarding the gradual removal of Government control from local bodies the constitutional reforms were ushered in in 1920, and the subject of Local Self-Government was transferred to Ministers responsible to Provincial legislatures. In most provinces the municipalities have been reconstituted on popular lines, the franchise extended, and powers enhanced. There were 785 municipalities at the end of 1931-32, with a total population of over 22 millions. The total income of the municipalities was above Rs. 36

crores. These municipalities had 12,240 non-official members and only 779 official members. The progress of democratisation has been very great in the Presidency towns of Calcutta, Bombay, Madras and in Rangoon. The change in the municipal government of Calcutta has been most remarkable. According to the Act of 1899 there used to be an official chairman, and half the members were nominated by the Government. By the new Calcutta Corporation Act the Corporation is to consist of 85 councillors and 5 aldermen; of the councillors 75 are elected and 10 nominated by the Government. The councillors elect the aldermen. The Corporation elects its own Mayor and Deputy Mayor annually and the councillors and the aldermen are elected for three years. The work of administration is vested in an Executive Officer elected by the Corporation. He is assisted by two Deputy Executive Officers. The appointments of the Chief Executive Officer, the Chief Engineer, the Chief Medical Officer and the Chief Accountant are subject to the approval of the Government. The franchise has been made very wide, and women have received the power to vote. The Bombay Corporation has 108 members and the Madras Corporation 49. These Presidency Town Corporations are guided by separate statutes and they enjoy specific powers and privileges.

The municipalities in the provinces have also similarly been democratised. About 14 per cent of the urban population have received the right to vote. Almost everywhere the elected members constitute the majority varying from four-fifths of the total membership in Bihar and Orissa totwo-thirds in Bengal. In 1925-26 only 68 municipalities had *ex-officio* or nominated chairmen whereas 681 had their chairmen elected. In the Punjab there are three types of Boards, *viz.*, Municipalities, Small Towns and Notified Area Committees. Government still exercises sufficient control over these bodies; specially with regard to finance, important appointments and the budget.

The civic consciousness of the people is growing apace. With the grant of greater responsibilities they are taking keener interest in their own corporate activities. The functions of the municipalities are classified under the heads of safety, public health, convenience, and instruction. Some duties are obligatory and some discretional according to the resources of the board and the desire of the members. They include lighting, watering and cleaning public streets and places, prevention of public nuisance, protection against fire, regulation of dangerous offensive trades and practices, removal of obstructions in public thorough-fares, reclamation of unhealthy localities, disposal of the dead, construction and maintenance of streets, water-supply, vaccination, primary education, prevention of epidemics and in some places management of hospitals. The big municipalities with good income undertake all these services. Besides these they can, in their discretion, undertake parks, gardens, libraries, museums, halls, education above the primary stage and the like works of public utility. The Town Hall of Calcutta is a splendid edifice built with money derived from lottery about a century ago. This hall has been the scene of many public activities; political meetings, banquets and social functions have been held; it was here that the reformed Legislative Council of Bengal was inaugurated; and it is here that the city gives its reception to the distinguished persons. The Calcutta Corporation is proud of possessing such a place of civic activities, and it is an interesting fact that while the Bengal Legislative Council was located here the distinguished citizen of Calcutta, Sir Surendranath Banerjea, who called it a historic building echoing and re-echoing to the noble sentiments of the people, introduced and enacted the measure for the reconstruction of the Calcutta Corporation. The municipalities in other places have built similar Town Halls. In the city of Lahore there is a Town Hall which accommodates

the Municipal offices and where various functions are celebrated. The gardens and parks are the recreation places for the children and the tired denizens of a crowded city. All the important cities have fire brigades for extinguishing fire. At the street corners are water hydrants from where water is taken to control the fire that might have broken out at any place in the city. Some of the cities in India have municipal markets where provisions, vegetables, fish, meat and other requisites are found. The Calcutta Corporation runs a number of markets which bring in a decent income to the Corporation. Sir Stuart Hogg Market is an interesting place close to the Municipal offices in Calcutta and all sorts of articles, dainties for fashionable ladies, books and pictures, shoes, fruits, food-stuff and other things are found here. It has become a place of pleasure to many. The Calcutta Corporation has some control over the tramways and electric supply. It has also its representatives on the Improvement Trust and the Port Trust.

Municipal Finance

The municipalties are empowered to levy rates on houses, lands, animals, vehicles, professions and trades, rates for water-supply, lighting and conservancy and tolls on roads and ferries. The principal source of income in the municipalities of the Punjab, the United Provinces, the Central Provinces and Bombay is octroi, an impost on articles imported into the city. It is a troublesome burden on trade and many people resent it. In some places it has been replaced by a terminal tax, but the criticism of the people still holds. Octroi constitutes about 90 per cent of the total municipal taxes in the Punjab. It is levied at the rate of $3\frac{1}{8}$ to $4\frac{1}{4}$ per cent. In Bengal, Madras, Burma and Assam a tax on houses and land is the principal source of revenue. Tolls on roads and ferries are charged mainly in Madras and Assam. Municipalities supplying water can demand a water-rate.

They are empowered to take loans with the sanction of the Government which has also the right to examine the budget. Generally loans are taken for undertaking some big public works, such as water-works, buildings, housing schemes, opening out big streets, and parks etc.

The total income of the municipalities excluding balances in 1931-32 was about Rs. 36 crores. The income of the Bombay Corporation was over 4 crores and of Calcutta over 3 crores. Rates and Taxes brought to the municipalities more than Rs. 12 crores and the rest came from other sources. Octroi contributed Rs. 145 lakhs and Government grants amounted to about 87 lakhs. Receipts from markets and slaughter houses came to about Rs. 92 lakhs. On the expenditure side General Administration cost Rs. 166 lakhs, public safety including lighting, fire, police Rs. 127 lakhs, water-supply Rs. 170 lakhs, conservancy Rs. 259 lakhs, drainage Rs. 82 lakhs, hospitals and dispensaries Rs. 89 lakhs, markets Rs. 28 lakhs, sanitation Rs. 43 lakhs, gardens etc. Rs. 13 lakhs, roads Rs. 136 lakhs, buildings Rs. 24 lakhs, public instruction Rs. 216 lakhs, interest on loans Rs. 181 lakhs. Total expenditure including investments and deposits was about Rs. 36 crores.

In the Punjab the total number of municipalities is 107 serving a population of 25 lakhs. They spend annually about Rs. 132 lakhs. Eight municipalities are considerably big; they are at Lahore, Amritsar, Multan, Jullundhur, Sialkot, Rawalpindi, Ludhiana and Gujranwala. The incidence of taxation in the Punjab is Rs. 4-4 per head, which is the highest in the city of Bombay being Rs. 22-0-9 per head.

The control of the Government is exercised when the interests of the general public call for special protection. Government has the right to alter a municipal budget, if it considers that due provision has not been made for loan

charges and for the maintenance of a working balance. It has statutory powers to intervene in municipal administration and can prevent or initiate action in matters affecting human life, health, safety or public tranquillity. If it is satisfied that a Board is not doing its duties satisfactorily the Government can supersede it, and can remove from the Board any member on the charge of dereliction of duty.

Problems of the Municipalities

The income of the municipalities are inadequate. The City of Glasgow which has the same population as in Calcutta has twelve times its income. The Indian citizens are not in a position to bear further increase in the rates. The octroi or terminal tax has been retained in spite of the great inconvenience to trade on account of the difficulty of finding money in other ways. In some places the administrative duty has been delegated to an executive officer, the Board retaining the general policy in its hands. A trained staff of municipal officials are necessary for the successful working of the services. Besides this it is also a debatable point how far the local bodies should look for Government guidance. In spite of the difficulties the municipalities in many places have shown admirable ability in managing their affairs as is borne out by the Simon Commission. There is a grave defect in the Indian social life which stands in the way of good administration. It is the evil of communal and caste dissensions. "The violent sectional antagonism," says the Simon Report, "between Hindus and Muhammadans or Brahmins and non-Brahmins has certainly impaired the efficiency of the local bodies. It has tended to prevent the employment of the fittest persons in administrative posts, factious quarrelling has in many instances occupied the attention of the members to the exclusion of all other considerations. It is clearly the greatest obstacle to the develop-

ment of a sense of common citizenship, which is the necessary basis for healthy civic life."

Improvement Trusts

In some places the problem of congestion and sanitation was so acute that it could not be tackled by the ordinary machinery. Special bodies called Improvement Trusts have been created by the Government in such places. The Municipal Board is represented on the Board of Trustees, and after the completion of the schemes of improvement they are handed over to the municipality for maintenance. The Bombay Improvement Trust which was created in 1896 has now been transferred to the Municipal Corporation. By 1925-26 the Trust spent Rs. 113 lakhs on the improvement of Government and Municipal lands, Rs. 1,592 lakhs on their acquired estates and office buildings. Accommodation for 37,000 persons has been provided in chawls. The improvement work is now carried on by the Bombay Development Directorate. A Trust was created for Calcutta in 1912 and it is still continuing its work. It has carried several schemes of improvement, opened out many broad streets, and expanded the city considerably. Improvement Trusts have also been created at Lucknow, Allahabad and Cawnpore. A Trust has also recently been created for Lahore. These bodies are controlled by the Government, and depend for their existence upon special legislation. They help the municipalities in carrying out big schemes of improvement which ordinarily would have been difficult to work out.

Port Trusts

The cities which are ports have special bodies to look after the facilities for trade and commerce coming in and going out of the ports. Bombay, Calcutta, Karachi, Madras and Rangoon are the principal ports in India and there are ports

also at Chittagong, Vizagapatam and in Kathiawad. These ports are managed by Port Trusts on which commercial and civic interests are represented. They maintain the docks, provide for shipment, storing and landing of goods and keep the approaches to the ports clear against all dangers. The pilot service and the harbour masters work under their guidance. The Trusts however have not been placed under popular control. The administration of the port of Calcutta is vested in the Commissioners for the Port, consisting of a chairman, a deputy chairman, 13 elected and 7 nominated commissioners; of the elected members 6 are returned by the Bengal Chamber of Commerce, one by the Calcutta Trades Association, one by the Corporation of Calcutta and four by Indian commercial interests as may be selected by the Government. The Agents of the three principal railways Collector of Customs and Principal Officer of Mercantile Marine Department are nominated as members by virtue of their office. The Bombay Port Trust consists of 22 members, of whom 13 are elected and 9 nominated. The Port Trust stands on the same footing as the Port of London Authority but it does not represent the Indian interests adequately. On the 6 Port Trusts there are altogether 100 members, and only 35 of them are Indians.

Government and Local Self-Government

Local Self-Government is a provincial subject managed by a Minister responsible to the Legislative Council. He watches the progress of the local bodies, warns them in case of mismanagement, and may suspend any local body if it is necessary. The accounts of the local bodies are audited by audit officers of the Government. The relations between the Government and these self-governing institutions are very close. The Government regulates their activities and supervises their work, and helps them by grants and lends them

health officers and other technical officers. The appointment of some officers is subject to the approval of the Local Government. The Government officers also help the local bodies at the time of the election of the members as well as of the office-bearers. But the success of these self-governing institutions depends upon the public spirit of the citizens; Government can only give an incentive.

CHAPTER V

PROVINCIAL CONSTITUTION

Provinces of British India

India is divided into two parts: (1) British India which is under direct British rule, and (2) Indian States (also called Indian India) which are ruled by the Indian Princes owing allegiance to the British Crown. British India is composed of a number of provinces. But all of them are not alike. There are eleven provinces, each of which is under a Governor; hence they are called Governor's Provinces. Besides these there are small areas which are under Chief Commissioners and are administered on a plan different from that prevailing in the major provinces. These are known as Minor Administrations, or Chief Commissioner's provinces. They are Delhi, Ajmer-Merwara, British Baluchistan, Coorg and the Andaman and Nicobar Islands: The eleven Governor's Provinces are the three Presidencies of Bengal, Madras and Bombay, the United Provinces of Agra and Oudh, Central Provinces, Behar, Orissa, Assam, Sind, the Punjab and the North-West Frontier Province. Burma is no longer to be counted as part of India. Further, Sind has been separated from Bombay, and Orissa from Behar. In these eleven provinces the provincial constitution forming Part III of the Act of 1935

will be introduced from April 1937. The table will show at a glance the various parts of India.

India

- British India
  - Governor's Provinces :— Assam, Bengal Behar, Orissa, U. P. Punjab, Sind, N.-W.-F., Bombay, C. P. and Madras.
  - Chief Commissioner's Provinces : British Baluchistan, Delhi, Ajmer-Merwara, Coorg, Andaman and Nicobar Islands, and the area known as Panth Piploda.
- Indian States some 600 in number. They have now been invited to enter an all-India federation

Statutes

Many Acts were passed by the British Parliament whereby the provincial constitution was settled. The more important of them are the Indian Councils Acts of 1861, 1892 and 1909. In 1912 another Act was passed called the Government of India Act. In 1915 all the previous laws and Acts were arranged and consolidated in one statute called the Government of India Act of 1915. Some minor amendments were made in 1916. On August 20, 1917, E. S. Montagu, the then Secretary of State for India, made the following announcement in the House of Commons: "The policy of His Majesty's Government with which the Government of India. are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire." In pursuance of this announcement an enquiry was made into the condition of things prevailing in India. The result of

this enquiry is embodied in a Report usually called the Montagu-Chelmsford Report (1918). Subsequently an Act was passed known as the Government of India Act of 1919. This Act is in the nature of amendments made to the Government of India Act of 1915 which again embodies all the unrepealed sections of previous statutes. Thus the present constitution (Provincial and Indian) is based on the Government of India Acts of 1915 and 1919. But if you look into these Acts passed by the British Parliament, you will find only changes indicated in general terms and the structure of the constitution fixed. Under the Act of 1919 details were settled and rules framed by the Governor-General-in-Council with the sanction of the Secretary of State for India : and these were approved by both Houses of Parliament. Many rules were made and published. But the rules which defined the powers and functions of the provincial government and distinguished them from the powers and functions of the Government of India are called Devolution Rules. A study of these rules is also necessary in order to understand fully the constitution of a Governor's province.

The Act of 1919 has now been superseded by the Government of India Act of 1935. Part III of this Act relates to the provincial constitution. This part will go into effect from April 1, 1937 in the eleven provinces mentioned above.

The provincial constitution existing at present (1936) in a Governor's province is described in Section 1. The constitution which will be introduced in the eleven provinces from 1937 is described in Section II of this chapter.

SECTION 1

The existing constitution.

Reserved and Transferred Subjects

The announcement of August 20, 1917 declared responsible government for British India to be the ultimate goal. It was also laid down that the provinces were the domain in which the first step towards the realisation of responsible government should

be taken. How has this been done ? This has been done by dividing the subjects of government. Some subjects are to be administered by the Government of India. Others are handed over to the Provincial Government for administration under the supervision of the Government of India. These provincial subjects again are sub-divided into Transferred and Reserved. The Transferred Subjects are subjects which are administered by Ministers who are responsible to the provincial legislature for the proper administration of the subjects. Thus responsible government has been introduced in the provinces in respect of the transferred subjects ; and the provincial Governor and the higher authorities, as will be noted later, interfere as little as possible in their administration. On the other hand, the provincial reserved subjects are managed by men who are not responsible to the local legislature.

A table is given below to show the division of subjects :—

Subjects

Provincial | **Central**

Transferred	**Reserved**	**Central**
(1) Local Self-Government.	*(1) Irrigation and Canal.	(1) Defence of India.
(2) Public Health, Sanitation and Medical Administration.	*(2) Land and Land Revenue.	(2) External Relations and Relations with Indian States.
(3) Education of Indians.	(3) Famine Relief.	(3) Major Ports and Lighthouses.
(4) Public Works including Roads Bridges and Municipal Tramways.	(4) Administration of Justice.	(4) Public Debt of India.
	(5) Police and Public Order.	(5) All-India Services and Public Services Commission.
	(6) Control of Newspapers, Books and Printing Presses.	(6) Census and Statistics.
		(7) Commerce and Companies (including banking and insurance).

(5) Agriculture and Fisheries.

(6) Co-operative Societies.

(7) Excise.

(8) Forests, in Bombay and Burma only.

(9) Development of Industries.

(10) Registration.

(7) Prisons and Reformatories.

(8) Borrowing the money on credit of the province.

(9) Forests except in Bombay and Burma.

(10) Factory inspection, Settlement of Labour Disputes and Housing.

(11) Stamps.

N.B.—The main sources of provincial revenue are marked with an asterisk.

(8) Patents and Copyrights.

(9) Ecclesiastical administration.

(10) Laws, Civil and Criminal, and Procedure.

(11) Emigration and Immigration.

(12) Certain agencies for research; certain universities and colleges such as Benares University and Chiefs' Colleges.

(13) Territorial changes.

(14) Survey of India; Archæology, Zoology and Meteorology.

(15) Currency and Coinage.

(16) Railways, Aircraft, Shipping and Navigation.

(17) Posts (including Savings Banks) Telegraphs and Telephones.

(18) Customs, Excise non-alcoholic, salt and opium.

(19) Income-tax.

N B.—The last five items are sources of revenue.

The Provincial Executive

The highest executive of a province is the Governor who is assisted by (*a*) an Executive Council, the members of which are in charge of the reserved subjects, and (*b*) Ministers who administer the transferred subjects. Thus under the Reforms of 1919 the Executive Gov-

ernment of a province is committed, in respect of the reserved subjects, to *the Governor-in-Council*, and, in respect of the transferred subjects, to *the Governor acting with Ministers*. This system which has partitioned the provincial executive has been given the name of Dyarchy (*di*-two, *arkhos*-power, *i.e.*, government by two authorities). A glance at the list of provincial subjects will show that such subjects as the Police, the Magistracy and the Revenue, which are the keys of authority, are reserved and managed by the Members. But the importance of the transferred subjects should not be under-rated. In fact they are often called nation-building departments. There are, for instance, such vital departments as Education, Local Self-Government, Agriculture and Industries. We shall now take the two sides of the Government separately.

(*a*) **The Governor-in-Council.** The Executive Council of a Governor is not composed of the same number of members in every province. It is not less than two and not more than four; half the number is Indian. In the three Presidencies there are four members two of whom are Indians; in the other provinces there are two Executive Councillors, one of whom is an Indian. In the N. W. F. there is only one Executive Councillor. Whatever be the number, one at least of the Members must be a person who for not less than 12 years has been in the service of the Crown in India. All of them are appointed by His Majesty.

The reserved subjects are distributed among the Executive Councillors for administration; and each as the head of a department disposes of the ordinary details on his own authority. Matters of moment and lines of policy are settled at meetings of the Executive Council over which the Governor presides, or, in his absence, the Vice-President nominated by him. In case of difference of opinion the decision of the majority prevails. When a measure affects

the peace, tranquillity and interests of the province, the Governor may take a decision on his own authority and responsibility, irrespective of the majority opinion of his Council.

All Executive Councillors are ex-officio members of the local legislature; but neither their tenure of office (usually 5 years) nor their emoluments are at the discretion of that body. They are responsible to His Majesty's Government through the Governor-General and the Secretary of State for India.

(*b*) **The Ministers** constitute the other half of the Executive. They are elected members of the provincial legislature and are chosen by the Governor. Though there is no statutory limit to the number of ministers in a province, yet the normal arrangement now is that there are three ministers in each of the three Presidencies and in the Punjab one in N.-W. F. and two in each of the other provinces.

The transferred subjects are grouped and placed in charge of the Ministers. The distribution of *port-folios* varies in different provinces. In the Punjab there are 3 Ministers: Minister of Local Self-Government, Minister of Agriculture which includes Co-operation and Public Works and Minister of Education.

The Ministers hold office during the pleasure of the Governor; but their salaries and the funds required for their Departments are voted by the provincial legislature. A vote of no-confidence by the legislature leads to their resignation. Thus the minister's position is a difficult one. He has to keep both the Governor and the Legislature satisfied.

The Governor and the two halves of the Government

The Governor is the connecting link between the two halves of the Government. But in respect of the Executive Council he shares to the full and in every detail his colleagues'

responsibility to the British Parliament for the proper administration of the reserved departments. There is something more. The Governor can take the whole responsibility upon himself by over-ruling the Council when, as has been said, he considers such a course necessary for the peace, tranquillity or interests of the province. In regard to the transferred subjects the Governor is guided by the advice of the Ministers except when "he sees sufficient reason to dissent from their opinion, in which case he can require action to be taken otherwise than in accordance with that advice." In extraordinary circumstances when no Minister can be appointed on account of the opposition of the local legislature, the transferred subjects are taken over and administered by the Governor. This happened in Bengal during 1924-26. Even in ordinary circumstances the Governor, in regard to transferred subjects, is able to exercise an influence, both legitimate and constitutional, to an extent for which it would be difficult to find analogies in the more politically developed States of Europe and America. The Governor's office is at present one of great prestige and authority, and will continue to be so under the coming constitution.

The Councillors and Ministers form the two halves of the same Government. Hence they must act harmoniously ; and occasions arise (*e.g.*, allocation of funds for the departments) when joint consultation under the guidance of the Governor is necessary. So far they have worked in an accommodating spirit.

The smooth working of the two sides of the Government is due to a large extent to the Governor who is the head of the Executive and of the province. He is the direct representative of the Crown appointed by His Majesty under the Royal Sign Manual, and is concerned with all the different departments though with different degrees of actual control.

It may be noted that the Governors of provinces differ in certain respects. Their salaries are not the same. The Governors of the three Presidencies are chosen from among men of rank and experience in Britain, whereas the other Governors are officials belonging to the Indian Civil Service and are appointed by the Crown after consultation with the Governor-General. The only exception was the appointment, in 1920, of Lord Sinha as Governor of Behar and Orissa. He, however, resigned in the following year. A Governor usually holds office for five years.

The Legislature of a Province

(*a*) **Composition.** Each of the Governor's provinces has a Legislature for the purpose of making laws and voting supplies for carrying on the government. But it does not contain the same numbers. The total number in the Bengal Legislative Council is 140, whereas in Assam it is 53. The total strength and the details of the composition of the Punjab Legislature are given below :—

Elected members	71
Executive Councillors	2
Nominated officials	13
Nominated non-officials	8
Total ...	94

From the above table the classes of members who go to make up a legislature will be clear. Officials are persons in the service of the Crown in India. The officials are nominated ; so also some non-officials. One of the objects of nomination is the representation of classes or interests. For instance, in the Punjab one from labour and another from Indian Christians are nominated. But one thing is clear ; the elected members exceed the nominated members in number. The Act of 1919 lays down that in each provincial legislature at least 70 p.c. shall be elected members.

For the purpose of election a province is divided into constituencies which may be urban or rural according as they include towns or villages. Usually districts and large towns are taken as units. There is another feature. Voters are divided according to the religion they profess, or the community to which they belong. Thus Muhammadans vote in the election of Muhammadan and non-Muhammadans in the election of non-Muhammadan members to the Council. This is called Communal Representation. The Europeans also elect Europeans. There are also special constituencies such as landholders and Universities.

The voters' qualifications are nearly the same in every province. We note the franchise qualifications in the Punjab. All payers of income-tax, and all retired, pensioned or discharged officers or men of the regular forces are enfranchised. For rural constituencies the following have votes : a zaildar, inamdar, sufedposh or lambardar ; owner of land or tenant or lessee of Crown land the revenue or rent for which is not less than Rs. 25/-per annum ; and a tenant with a right of occupancy in respect of land assessed at not less than Rs. 25/-per annum. For urban constituencies all owners of buildings worth not less than Rs. 4000, payers of rent of not less than Rs. 96 per annum and payers of direct municipal or cantonment tax of not less than Rs. 50 per annum have been given the vote.

Ordinarily a Legislative Council lasts for 3 years. But its life may be cut short or extended by the Governor in special circumstances. There is a salaried President who is at present elected by the Council from among its own members. A Deputy President is also elected to preside in the absence of the President who nominates a few other members who may act in the absence of both the President and Deputy-President.

(*b*) **Law-making Powers.** The Legislative Council of a province makes laws for its good government. To be more precise, it legislates on most of the topics which are earmarked as provincial, including both reserved and transferred subjects. It follows that it cannot legislate on central subjects, but it can when the Governor-General gives specific sanction. A Bill passed by a provincial legislature must receive the assent of the Governor of the province and of the Governor-General in addition, in order that it may become law. If the assent be refused by either, the Bill is inoperative. On the other hand, if a Bill relating to a reserved subject be not passed by the provincial legislature and the Governor certifies that its passage is essential, then the Bill, on signature by His Excellency, will be operative provided it is approved by the Governor-General or not disallowed by His Majesty in Council. This is Certificated Legislation. It will be clear from what has been said that there are certain limitations to the law-making powers of a provincial legislature.

We may note here the procedure through which a Bill passes before it becomes law. Every member of the Council has the right to introduce a Bill. When a Bill is first introduced into provincial legislature, the general principles and provisions are only discussed. As soon as possible it is then published in the local Gazette. Next the Bill is generally referred to a Select Committee; after that, it is taken up for detailed discussion. Any amendment may be proposed. This second reading is the most important stage. In the third reading the Bill is put to the vote with the amendments if any. If passed, it is submitted for assent to the Governor of the province as well as to the Governor-General.

(c) **Financial Powers.** Before the beginning of each financial year, a statement of the estimated revenue and

expenditure is presented to the local Legislative Council by the Finance Member who is a member of the Executive Council. The discussing and passing of the Budget is a very important privilege, for it means control over income and expenditure. The proposals for expenditure are submitted in the form of demands for grants which may be assented to, or reduced or rejected *in toto* by the legislature. But the financial power is subject to some restrictions. There are certain heads of expenditure which are non-votable, that is to say, they are not submitted to the vote of the legislature at all, *e.g.*, the salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council. Then again if a demand for a grant, which has been refused by the legislature, relates to a reserved subject, and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject, action may be taken as though the money had been voted. But in respect of a demand for a transferred subject this emergency power of the Governor is exercised with caution and hesitation, and only such expenditure is authorised as is necessary for the carrying on of the department concerned.

(*d*) **Control over the Government.** Besides legislative and financial powers a local Legislative Council exercises some control over the administration. This is done by asking questions and supplementary questions (if answers are not satisfactory) regarding the actions of the executive, thus exposing to the public cases of evil administration. Then again resolutions may be moved and passed on any matter of public interest. A member may move a motion of adjournment for the purpose of discussing a matter of urgent public importance. If the Council carries the motion after discussion, then it means definite disapproval of the particular action or policy of the Government. These rights of the

legislative councillors put the executive on their guard and serve as a salutary restraint on their actions.

An Estimate of Dyarchy

The division of the Provincial Government into two parts was a transition measure. It was expected that the representatives of the people would get a training in responsible government by the transfer of some powers into their hands. The Government of India Act provided that at the end of ten years a review of the working of the reforms would be held and the next stage of advance determined upon. But the public opinion in India was opposed to the reforms. The Indian National Congress and the Muslim League condemned the reforms as inadequate, unsatisfactory and unacceptable. The new scheme was not given a fair trial. People were not satisfied at the restricted responsibility which they considered as no responsibility. As a matter of fact the ministers could hardly introduce any reforms in the departments entrusted to their care as they did not possess any control over finance. The money was spent more upon the reserved departments than upon the transferred departments. It was expected that the ministers and the members of the Executive Council would meet to discuss the policy of the Government. This procedure was scarcely followed. The ministers had no influence in determining the policy of the Government.

The achievements of the reformed legislatures did not create any confidence in the Government. The voice of the people was rarely listened to. So there was a persistent demand for Provincial Autonomy or the system of government by which the Provincial Government would exercise complete control over its own measures. The Parliamentary Commission appointed to report upon the working of the reforms recommended the grant of autonomy to the Provinces. The Round Table Conferences and the Joint Parliamentary

Committee accepted the suggestion and the most important feature of the Act of 1935 is the provision for Provincial Autonomy.

The Provincial Governments were directly under the control of the Government of India with regard to the subjects of the Reserved Departments. The Governor General could override the provincial governments on various subjects and had complete power to guide the policy of the Government. This system of check and control could hardly develop a sense of responsibility. It was condemned on all hands and the British Parliament has agreed to the introduction of Provincial Autonomy.

SECTION 2

Provincial Autonomy

The reforms outlined in the Government of India Act of 1935 lay special emphasis upon the change of the structure of the Government in the Provinces. The Provincial Governments under the new measure will become independent units and will be free from control by the Central Government and Legislature in the exclusively provincial sphere. The subjects of Government have been divided in three lists. There is an exclusively provincial list in which the Central Government will not interfere. The second list contains exclusively central subjects in which the provincial legislature will have no share but some of which may be delegated to the Provincial Governments as agents of the Central or Federal Government. The third list contains subjects of concurrent jurisdiction, that is to say, both the Federal and the Provincial Legislatures may frame laws upon these subjects, but the rights of the Federal authority are of a superior type. If there is a conflict between the Central and Provincial Legislation the Central legislation shall prevail. In the case of any subject which is not included in any of the three lists the Governor-

General will exercise his discretion and allocate the residuary subject to whichever legislature he thinks best. The decision of the Governor-General will have statutory force.

The subject in the Provincial List are public order, administration of justice, constitution and organisation of courts other than the Federal Court, police, prisons, public debt, provincial public services, pensions to provincial officers, public works, development of industries, acquisition of lands, education, local self-government, public health and sanitation, irrigation, water supply, agriculture, veterinary training, animal diseases, land tenure, revenue collection, forests, mines and oilfields, fisheries, gas and gasworks, relief of the poor, unemployment, charitable societies, provincial trade, drugs and liquors, excise. The Provincial Legislature is competent to legislate about taxation on agricultural income, lands and buildings, professions and trades, on the sale of goods, capitation taxes, stamp duties, cesses and tolls, and court fees. The subjects in the Concurrent List are criminal law, criminal and civil procedure, evidence, marriage and divorce, wills and succession, transfer of property other than land, registration, trusts, contracts, arbitration, bankruptcy, stamp duties other than judicial, factories, labour, unemployment insurance, trade unions, electricity, shipping and navigation on inland waterways and similar things. The Provincial Legislature has full power to legislate on Provincial subjects, and on the subjects of the Concurrent List with the sanction of the Governor-General.

Provincial Executive

The province becomes an independent unit and the head of the provincial Administration is appointed by His Majesty and is authorised to exercise his power as a representative of the King. In the exclusively provincial sphere his authority is supreme. There shall be a Council of Ministers to aid and

advise the Governor in the exercise of his functions. But the Governor has been left sufficient power to act in his discretion and in some cases he is authorised to exercise his individual judgment. Whenever the Governor exercises his discretion or individual judgment his decision shall be final. The validity of his action cannot be called in question.

The Governor shall choose his Ministers from among the members of the Provincial Legislature. If a minister is so appointed that he is not a member of the legislature and cannot be elected to the legislature within six months of his appointment he shall cease to be a Minister at the expiration of that period. The salaries of the ministers shall be determined by the legislature and until they are so determined the Governor shall fix the salaries. Once the salary of a Minister is determined it cannot be altered during his term of office. The choosing, summoning and dismissal of Ministers and the determination of their salaries are entirely within the discretion of the Governor. The relations between the Governor and his Ministers shall be defined in an Instrument of Instructions issued with the authority of Parliament at the time of his appointment. The Act itself defines the special responsibilities of the Governor. This special responsibility the Governor shall exercise with a view to prevent any grave menace to the tranquillity of the province, to safeguard the legitimate interests of the minorities, to ensure safety to the public servants in discharge of their duties, to protect the rights of the Indian States and their rulers and to discharge his duties unhampered as an agent of the Governor-General. The most important power of the Governor is the right to veto any measure passed by the legislature. In discussing the special responsibilities of the Governor the Joint Parliamentary Committee observed : "We do not understand the declaration of a special responsibility with respect to a particular matter to mean or even to suggest that on every

occasion when a question relating to that matter comes up for decision, the decision is to be that of the Governor to the exclusion of his Ministers. In no sense does it define a sphere from which the action of Ministers is excluded. In our view, it does no more than indicate a sphere of action in which it will be constitutionally proper for the Governor, after receiving ministerial advice, to signify his dissent from it and even to act in opposition to it, if in his own unfettered judgment he is of opinion that the circumstances of the case so require."

The Governor being the chief executive in the province he has been authorised to act in his discretion whenever the nature of the case will require it but it does not mean that he will not consult his Ministers on such questions. The procedure of choosing and appointing Ministers will be defined in the Instrument of Instructions. It has been proposed that the "Governor should select his Ministers in consultation with the person who in his judgment is likely to command the largest following in the Legislature, and to appoint those persons, including so far as possible members of important minority communities, who will best be in a position collectively to command the confidence of the Legislature."

The procedure to be followed will depend upon local circumstances, but it is expected that it will be on the lines of the British constitutional practice as far as possible. The real difficulty in India is the absence of political parties and the lack of the sense of responsible government. A Ministry constituted on the basis of constitutional responsibility will have to make room for another when it will lose the confidence of the legislature, that is, whenever it will fail to carry important measures involving questions of policy then it shall have to resign and the party in opposition shall have to take office. The Indian situation is complicated by the existence

of communal differences, and parties are formed more on communal lines rather than political. Experience will show how this problem can be solved. The representation of the minorities on the Ministry may not be possible if the support of the majority is strictly demanded. Moreover a member of the minority community will find it difficult to maintain the confidence of his community if he falls in with the majority community. The Joint Parliamentary Committee expressed a hope that in future parties in Provincial Legislatures might develop which would cut across communal lines. The only way of strengthening the Provincial Executives was to confer adequate discretionary powers on the Governor. The British Parliamentarians felt that the solution of the problem lay in the hands of the Indians. "Responsible government postulates conditions," says the Report of the Joint Parliamentary Committee "which Indians themselves have still to create. The success of the experiment which we advocate can only be proved by its results, and the political education both of the Legislatures and of the electorate is likely to be a slow process. But we are none the less convinced that Indians must be given the opportunity of purchasing their own experience, and we are at one with the Statutory Commission in seeing no future for responsible government in India unless the difficulties to which we have thought it right to draw attention are directly faced and in the end surmounted."

The Governor will determine the number of Ministers he will like to appoint and the departments to be allocated to each of them. He will frame rules for the conduct of the business of the Ministry and he will have to make arrangements for the transmission of information to him by the Ministers and secretaries. The Ministers will hold office during the pleasure of the Governor and the Governor may, in his discretion, preside at the meetings of the Ministers.

The Provincial Legislature

In the new constitution the legislatures in the provinces have been expanded, the official block has been removed and in six provinces provision has been made for bicameral system. In the provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam there will be two Chambers, one called the Legislative Assembly and the other Legislative Council. In other provinces there will be only one Chamber to be known as Legislative Council. His Majesty will be represented by the Governor ; the Assembly and the Council will enjoy co-ordinate authority. The Legislative Assembly shall continue for five years unless previously dissolved, and the Legislative Council shall be a permanent body, but one-third of its members shall retire in every third year. The members of the Legislative Council shall be elected for nine years. But the first batch of the members will be divided in three groups, one group will retire at the end of three years, the second group at the end of six years and the third group at the end of nine years. Subsequently all members elected to the Council shall hold office for nine years.

The Provincial Legislative Assemblies will contain seats according to the following table:

1.	Madras	... 215	6.	Bihar	152
2.	Bombay	... 175	7.	C. P. and Berar	112
3.	Bengal	... 250	8.	Assam	108
4.	United Prov.	... 228	9.	N. W. Frontier	50
5.	Punjab	... 175	10.	Orissa	60
			11.	Sind ...	60

Provincial Legislative Councils in the six provinces will contain seats according to the following table:

1.	Madras	Not less than 54	not more than 56
2.	Bombay	„ „ „ 29	„ „ „ 30
3.	Bengal	„ „ „ 63	„ „ „ 65
4.	United Prov.	„ „ „ 58	„ „ „ 60
5.	Bihar	„ „ „ 29	„ „ „ 30
6.	Assam	„ „ „ 21	„ „ „ 22

A person shall not be qualified to be chosen to fill a seat in a Provincial Legislature unless he is a British subject or the Ruler or a subject of an Indian State which has acceded to the Federation or, if it is so prescribed with respect to any province the Ruler or a subject of any prescribed Indian State, and is, in the case of a seat in a Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in a Legislative Council, not less than thirty years of age. The seats will be either territorial or non-territorial. The territorial seats will be distributed among the different communities and interests according to local circumstances. A few seats will be reserved for women.

There shall be an electoral roll for every territorial constituency, and no person shall be entitled to vote in a constituency unless his name is included in its electoral roll. A person must have attained the age of twenty-one, and must have a place of residence within the constituency. The following persons are disqualified for inclusion in the electoral roll: a person of unsound mind, a person disqualified by the Legislature for voting, a person sentenced to transportation, penal servitude or imprisonment. A married woman is entitled to a vote through the property qualifications of her husband. Special rules have been framed in each province to include the names of the women voters and to determine the qualifications of the voters as a whole.

The qualifications for a voter in the Punjab are :

1. That he has a place of residence in the constituency, which he has not let on rent during the twelve months previous to the prescribed date of registration.

2. That he is assessed to income tax, or pays municipal or cantonment tax of not less than fifty rupees, or is assessed to *haisiyat* or profession tax of Rs. 2 a year, or District Board tax of not less than Rs. 2.

3. That if he is an owner he pays land revenue of not less than Rs. 5 per annum, or if he is an occupancy tenant he pays land revenue of not less than Rs. 5.

4. That he is an assignee of land revenue of not less than Rs. 10 per annum.

5. That he is a tenant of not less than six acres of irrigated land or twelve acres of unirrigated land.

6. That he owns immovable property of not less than Rs. 2000, or of an annual rental of not less than Rs. 60.

7. That he is a zaildar, inamdar, sufedposh or lambardar in the constituency.

8. That he has attained the primary or an equivalent or higher standard of education.

9. That he is a retired, pensioned or discharged officer, non-commissioned officer or soldier in His Majesty's regular military forces.

In the case of a member of the scheduled castes a person is entitled to vote if he is literate or owns immovable property of not less than Rs. 50, or is the tenant of an immovable property of an annual rental of not less than Rs. 36.

The result of the lowering of the qualifications for voters has been a considerable increase in the number of voters. It has been estimated that the franchise has been so extended as to increase the electorate to 35 millions including women to the number of 6 millions. The corresponding figures at present (1936) are 7 millions of men and 315,000 women. So from 1937 14 p. c. of the total population of British India will be enfranchised as compared with 3 per cent at present. It will be seen that the increase in the women voters is very considerable. This is necessary for the progress of the country. India cannot reach the position to which it

aspires in the world until its women play their due part as educated citizens. Further it is said that as a result of the extended franchise the provincial legislatures will contain elected representatives of all sections of the people and interests in the country.

So far as the Punjab is concerned the Legislative Council will consist of 175 members, of whom 42 will be allotted to General Seats including 8 reserved for scheduled castes, 31 Sikhs, 84 Muhammadans, 1 Anglo-Indian, 1 European, 2 Indian Christians, 1 for commerce, industry etc., 4 land-holders, 1 University, 3 representatives of labour, 4 women including 1 Muhammadan. Of the General Seats again 8 have been allotted to urban areas, and 34 to rural areas. In the Muhammadan constituencies 9 seats have been allotted to urban areas, and 75 to rural areas, 2 of the Sikh seats are urban and 29 rural. The average number of voters per rural general constituency will be about 22,409, and per Muslim Rural Constituency 15,188. As the area per seat has been reduced the number of voters has increased. It is expected that the candidates for election will be able to come in closer contact with their constituencies.

The Second Chamber

The creation of a Second Chamber in the Provinces is a departure from the old practice. As a curb upon the representative chamber it was first proposed that there should be a second chamber in the provinces of Bengal, Bihar and the United Provinces where the system of Zamindars existed. The Joint Parliamentary Committee extended it to the provinces of Bombay and Madras as well and finally it has been extended to Assam also. There is a provision that this system may be modified on the recommendation of the Provincial Legislature. The White Paper proposed that after ten years of the commencement of the new constitution the

bi-cameral system could be abolished if both the chambers passed an Act to that effect and that Act was confirmed by a subsequent Act not less than two years later. In a unicameral province a second chamber could also be established on presenting an address to His Majesty. But this proposal has been modified by Parliament. The Government of India Act has laid down that for any amendment of the provisions relating to the number of Chambers in a Provincial Legislature an Address has to be presented to His Majesty through the Governor on a motion passed by the Provincial Legislature. The proposal has to be communicated to Parliament with a statement of any action which the Government proposed to take thereon. The Provincial Legislature has been deprived of the constituent power which was recommended by the White Paper.

The method of filling the seats in the Legislative Council varies. There is provision for nomination of a few members by the Governor, and in Bengal and Bihar the Legislative Assembly has been given power to fill 27 and 12 seats respectively. Otherwise seats have been distributed among the General, Muhammadan, and European constituencies. In Madras 3 seats have been set apart for Indian Christians.

A voter in the Legislative Council constituencies must be not less than 25 years old. He must have a place of residence in the constituency, and has one of the following qualifications :

(*a*) was assessed in the previous financial year to an income tax on an income of not less than five thousand rupees ;

(*b*) holds a title conferred by His Majesty of a rank not lower than that of Diwan Bahadur, Sardar Bahadur, Khan Bahadur, Rai Bahadur, or Rao Bahadur ;

(*c*) has been awarded a pension of not less than Rs. 250 per month ;

(*d*) is or has been a member of any Legislature in British India, a Member of the Executive Council or a Minister, a Chancellor, Pro-Chancellor, Vice-Chancellor, Pro-Vice Chamcellor, Fellow or Honorary Fellow of, a member of the Senate or Court of any University constituted by law in British India, a Judge of a High Court, Chief Court, Judicial Commissioner's Court or Federal Court, Mayor or Sheriff of Madras, Calcutta or Bombay, non-official chairman, vice-chairman of a muncipality or district board, or of any Provincial or Central Co-operative Bank.

Women are qualified to vote by virtue of the qualifications of their husbands, and a candidate for election must have attained the age of thirty.

Law-making powers of the Legislature

Every Provincial Legislature will have power of making laws for the peace and good government of the province. This power is exclusive in the case of Provincial Subjects. In respect of Concurrent Subjects the legislative power can be exercised by the Provincial as well as by the Central Legislature. But in the Concurrent field no Provincial Legislature can pass a law which is repugnant to any Central or Indian law ; and in case of a conflict between a Central and Provincial Act the former shall prevail.

The general powers noted above are subject to certain restrictions. In the first place the Provincial Legislatures will not be competent to make any law affecting the Sovereign or the Royal Family, the sovereignty or dominion of the Crown over any part of British India. Secondly, the consent of the Governor will be required to the introduction of legislation (*a*) which repeals, amends or is repugnant to Governor's Act or Ordinance, and (*b*) which affects any Act relating to any police force. Thirdly, the legislatures will have no power to make laws imposing restrictions on the trade with

the province of British subjects domiciled in or companies incorporated in the United Kingdom.

Regarding procedure, Bills are to pass through, as now, three readings and a committee stage. In this respect the Governor is authorised to make rules in consultation with the Speaker and the President.

When a Bill has been passed by the Assembly (as in the Punjab), or passed by both Chambers (as in Bengal), it is to be presented to the Governor who may assent or withhold his assent or reserve the Bill for the consideration of the Governor-General. When a Bill is so reserved for the Governor-General, he may either assent or withhold his assent or reserve it for the signification of His Majesty's pleasure. An Act which has received the assent of the Governor-General may be disallowed by His Majesty within 12 months from the date of such assent.

Financial Powers

The annual Financial Statement will be presented to the Legislative Assembly on the recommendation, as now, of the Governor. The proposals for appropriation may be grouped in three categories : (1) those which are charged upon the revenues of the province and are non-votable, (2) those which are not so charged and are votable, and (3) proposals, if any, for money which the Governor may think necessary for the discharge of any of his special responsibilities. The first category includes (*a*) the salaries and allowances of the Governor, of Ministers, High Court Judges and Advocates-General, and (*b*) the debt charges, the expenses for the administration of excluded areas and a few other items. These (except the Governor's remuneration) may be discussed but not voted upon by the Assembly. The third category is also non-votable. The second class of expenditure will be presented in the form of Demands for

Grants to the Assembly which will have power to assent or refuse assent or to reduce the amount specified therein.

From the brief account given above it will be clear that the financial powers of a provincial legislature are to be, as now, restricted. Many items of expenditure are withdrawn from its control. It should also be noted that the financial powers such as they are, are to be exercised by the Legislative Assembly and not by the Legislative Council where such a body exists. The rule is—all Money Bills shall be initiated in and Demands for Grants submitted to, the Legislative Assembly alone.

Control over the Executive

The new Constitution will establish responsible government in the provinces. This means that the Executive (Council of Ministers) will be responsible to the Legislature, just as the Ministers of Transferred Subjects are now-a-days. Hence the control of the Legislature over the Executive will be complete, at least much greater than now. But restrictions will continue on the discussion of or the asking of questions on matters connected with any Indian or Foreign State, with tribal and excluded areas.

Provincial Finance

No government can be carried on without money. The public purse held by the Government is filled with money collected directly or indirectly from the people. This applies to the Provincial as well as to the Central Government. In every province there is and will be a member of the Executive who is in charge of finance. Before each financial year (from April 1 to 31 March following) begins, he explains to the local legislature what the Government expects to receive and what it expects to spend. This calculation is shown in a statement called Budget Estimate. This is discussed and passed by the Legislature under restrictions which have been

noted already. Now we may take up the various items of revenue and expenditure.

Every province derives a substantial revenue from land; in the Punjab, however, the largest income from a single source is obtained from irrigation. According to the Estimates of 1936-37 the expected revenue from land is a little over $2\frac{1}{2}$ crores of rupees, while that from irrigation exceeds 4 crores. Stamps, Registration of Documents, and Excise duties on alcohol, drugs and narcotics form the next important group of items which bring a little more than 2 crores. Forests give about 20 lakhs. In the Budget income is shown to be derived from such items as Education, Medical, Public Health, Agriculture and Industries; and a total of about $\frac{1}{2}$ crore is so obtained. But the total expenditure on these heads is about 3 crores of rupees. Hence they are more heads of expenditure than sources of revenue.

At present every Provincial Government can levy certain taxes called Scheduled Taxes (because they are mentioned in a Schedule). These taxes can be imposed for the Government or for the local bodies like Municipalities and District Boards. The main scheduled taxes are Succession duties, taxes on betting (*e.g.*, at the race-course), advertisements and amusements (*e.g.*, theatres and cinemas). Tolls, octroi, taxes on land-values, buildings, private markets and trades and rates on water, lighting etc., may be levied by local bodies if authorised by the Government.

From the above-mentioned and a few miscellaneous sources the total revenue of the Punjab Government amounts to 12 crores of rupees. The expenditure is nearly equal to the income. Last year (1935-36) there was a deficit of 11 lakhs, but in the current official year (1936-37) the Government expects a surplus of 2 lakhs. The main heads of expenditure are—Civil Administration, 324 lakhs; Pensions and Debt

Charges, 2 crores ; Civil Works, 130 lakhs ; Education and other beneficent departments, 282 lakhs.

The remarks made above apply primarily to existing condition. Under the coming constitution the sources of revenue will remain the same. The Scheduled taxes are included in the Provincial Legislative List. Hence they would no longer be called by that name, and the Legislature will be free to levy them at will. On the whole an attempt has been made to give greater elasticity to provincial resources.

The reforms which will be inaugurated from April 1937 in the eleven provinces will involve certain additional expenses ; such, for instance, as would result from the increase in the size of the legislatures and electorates. Some provinces, *e.g.*, Bengal and Assam, are even now deficit provinces. The two new provinces of Sind and Orissa are not likely to start as entirely self-supporting units. Hence an expert enquiry was conducted by Sir Otto Niemeyer as to how far the provinces will be able to bear the strain of the reforms. He does not consider finance to be an obstacle in the way of the reforms. He, however, recommends the grant of subventions, for the time being, to most of the provinces to be given by the Central Government. The N.-W. F is already in receipt of a subsidy of 1 crore. But it occupies a special position. U.P., Assam, Orissa and Sind provinces will receive subvention ; Bengal will be given half the export duty on jute. The Punjab, a self-supporting province, will not receive any kind of financial aid from the Federal Government.

Chief Commissioner's Provinces

Certain parts of British India are under Chief Commissioners. They are Delhi, Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands, the area known as Panth Piploda, and British Balochistan. The Resident of Mysore and the Agent to the Governor-General in Rajputana are

ex-officio Chief Commissioners of Coorg and Ajmer-Merwara: and the Superintendent of Port Blair is the *ex-officio* Chief Commissioner of the Andaman and Nicobar Islands. Except in Coorg, there is no legislature in these provinces. Under the Act of 1935, a Chief Commissioner's province is to be administered by the Governor-General acting, to such extent as he thinks fit, through a Chief Commissioner to be appointed by him in his discretion. These parts are directly under the Central Government and Legislature. In respect of British Balochistan and Andaman and Nicobar Islands there is no limit to the power of control which the Governor-General can exercise.

Excluded Areas

In most of the Governor's provinces there are tracts which are not subject to the reforms under the Act of 1919. The Darjeeling District and the Chittagong Hill Tracts in Bengal, and Lahaul and Spiti in the Punjab are such areas. Such areas will continue to exist under the coming reforms (1937). Such areas are called Excluded Areas—they are either wholly or partially excluded from the reforms. They are not, and will not be, under the provincial legislature. In relation to the Excluded Area the Governor under the Act of 1935 will himself direct and control the administration ; and in the case of the partially excluded area he is to have a special responsibility. He is authorised at his discretion to make regulations having the force of law for the peace and good government of such areas.

CHAPTER VI

PROVINCIAL ADMINISTRATION

Departments and functions of Provincial Governments

An idea of the various provincial subjects of administration has been given. These subjects are, for proper management, grouped under Departments. For the sake of economy there cannot be as many Departments as there are subjects. The charge of the Departments is divided among members of the Executive Government which at present (1936) has two parts—the Executive Council and the Ministers. There will be one Council, called the Council of Ministers from 1937.

The Heads of Departments see that the functions of the Departments are properly carried out by the officials and employees under them. Great questions of each Department and large questions of policy are reserved for discussion and decision by the whole Executive. This is how the administration of a province (also of British India) is directed and conducted, and the functions of Government are fulfilled. In the following pages of this chapter the principal functions and the machinery for the performance of the functions are briefly described.

In the provincial list there are certain items which furnish the necessary funds for carrying on the Government. Money is absolutely essential. But a Government does not exist for taking money from the people. It exists for protecting the people and for securing their progress to a better standard of life. The former may be called *protective function*, for the performance of which Police and Courts of Law are

maintained. The latter function includes such subjects as Education, Museums and Libraries, Local Self-Government, Agriculture and Industries; and the Departments entrusted with the functions are called Beneficent or *Nation-building Departments.* The reason is clear. Education makes persons better citizens; Municipalities and District Boards train them in the management of their affairs and secure for them better health and better roads; and the development of agriculture and industries will make them prosperous. Thus for good reason the Departments are called Nation-building Departments because a judicious administration and expansion of their activities would conduce to the moral and material progress of each province, and therefore of the whole of India.

At the headquarters of each province there is a Secretariat where the Heads of Departments hold their offices; and and throughout the province branches of the governmental machinery have been set up for raising revenue, for encouraging agriculture and commerce, promoting education, carrying out laws and punishing their violators, for looking after the health and sanitation of the people, and in short, for the due performance of the functions of Government.

Police

The whole Police Force of a province is under the control of an officer designated Inspector-General of Police. He has Deputies each of whom is in charge of a particular section of the force. Thus in the Punjab three Deputies are in charge of the three ranges into which the province is divided. Each range comprises several districts. There is a fourth Deputy who is in charge of the Criminal Investigation Department. The District Police are controlled by Superintendents, each of whom is in charge of a district and has under him other officers. The police arrangement of a district has already been described. A presidency town like Calcutta has a separate police establishment under an officer called Police Commissioner.

All of us have seen how in a big town a policeman standing in the middle of a road, regulates and controls the traffic. The object is to prevent accidents. This, however, is a minor function. The chief functions of the police consist in maintaining internal peace, in preventing and detecting crimes and in bringing to justice the violators of law. Ordinarily these functions are performed by the civil police. But sometimes areas may be seriously endangered by dacoits or bands of organised robbers with whom the civil police may not be able to cope. In such cases the military police are employed.

Sometimes also a town or any other area may be disturbed by crimes against public peace with which the ordinary police force of the area cannot contend. In such a case an additional police force may be employed to keep the peace; and the additional cost of such a force (punitive police) is realised from the people of the area.

A police-man is after all a citizen with special powers and responsibilities. If the abuses them, he is brought to book. Maintenance of peace and safety is his function. The proper discharge of this function secures the essential conditions for the enjoyment of all the advantages of citizenship. It is easy to see then that every person ought to help the police in its work. He is a good citizen indeed who when he finds a person committing an offence prevents it or hands over the offender to the police. He indeed deserves credit who reports apprehended breaches of peace to the authorities or assists in suppressing riots which have broken out.

Law Courts

In every province there is a gradation of courts, civil and criminal, for the decision of cases. The reason for the existence of many courts of each kind is that all cases are not of the same nature. Civil suits differ in value; they

may be about a property worth Rs. 100 or worth Rs. 5000 or more. Criminal cases differ in gravity; the theft of a watch, dacoity and man-slaughter are crimes of varying degrees of seriousness. Hence they are tried in different courts possessing different powers.

An idea has been given in a previous chapter of the various courts from the village up to the district. In the Presidency towns there are Presidency Magistrates' Courts. From the District Judge, the Sessions Judge and the Presidency Magistrates (in the case of the Presidencies) appeals lie to the High Court where it exists. Every province is not provided with a High Court nor is the jurisdiction of every High Court co-extensive with the area of a province. The highest court in Sind and N.-W. F. P. is called Court of Judicial Commissioners. Assam is under the jurisdiction of the Calcutta High Court; Delhi is under the Lahore High Court. Oudh is part of U. P., but has a Chief Court. The Chief Court and the Court of Judicial Commissioners have practically the same powers and duties as the High Court. A High Court is also called a Chartered High Court because it is established by Royal Letters Patent made under statutory authority; and the statutes are the Indian High Courts Acts of 1861 and 1911. The number of judges in a Chartered High Court may not be more than 20. In the Punjab there are the Chief Justice and 12 puisne judges, six of whom are Indians and six Europeans. The Judges must be either Barristers of England and Ireland or Advocates of Scotland of not less than five years' standing or members of the Indian Civil Service of not less than ten years' service or officials in judicial service of a grade not less than the grade of a subordinate judge of at least 5 years' service or pleaders of an Indian High Court of not less than 10 years' standing. They hold office during the pleasure of His Majesty. In Britain thejudges hold office during good behaviour.

The High Court or the Court of Judicial Commissioner or the Chief Court is the highest tribunal of the area. It is the final court of appeal for civil and criminal cases (in India); it has revisional and supervisory powers over all the judicial authorities in the area. Sometimes it serves as a court of first instance for criminal case of a certain nature and for civil suits of a certain value arising in the city in which the Court is situated.

There is no supreme all-India court situated in India. An appeal from the highest court of a province or area is made to a court in Britain called the Judicial Committee of the Privy Council. When an all-India federation comes into being or maybe earlier a Federal Court will be established. One of its functions will be to hear appeals in certain cases from the highest provincial courts. More will be said about this court in a later chapter.

A list of courts in a Governor's province is given below—

Civil Courts	**Criminal Courts**
1. High Court, Chief Court; Court of Judicial Commissioners.	1. High Court; Chief Court; Court of Judicial Commissioners.
2. Courts of Dist. Judges.	2. Sessions Courts.
3. Courts of Subordinate Judges.	3. Dist. Magistrate's Courts.
4. Courts of Small Causes (in cities).	4. Courts of Presidency Magistrates.
5. Courts of Munsiffs.	5. Courts of Magistrates of three grades—First, Second and Third.
6. Panchayet or Union Board.	6. Courts of Honorary Magis trates of three grades.
	7. Panchayet or Union Board

Jails

There are prison-houses situated at the district and sub-divisional head-quarters or in other suitable places ; and these are classed as Central, District and Sub-divisional Jails. In each of the three presidency towns there is a Presidency Jail. Just as there is an Inspector-General of Police, so there is an Inspector-General of Prisons who looks to the work, discipline and health in the prisons of the province. He is under a Member of the Executive Council who, among other subjects, has charge of prisons. The health of prisoners being of importance, the officers in charge of prisons are generally medical men. In some places the officers are not medical men.

Land and Irrigation

Revenue from land forms one of the important sources of income in every province. To realise it every provincial government maintains a large staff. At the headquarters of every province there is a Board of Revenue, as in Bengal, or a Financial Commissioner, as in the Punjab, who looks after matters connected with land. Next below are the Divisional Commissioners supervising land revenue and when needed, the settlement of the districts under them. But the machinery with which the people are in more or less direct touch is that under the Deputy Commissioner of a district. In Bengal and other provinces he is called District Collector. To him are forwarded the revenue realisations collected by the Tahsildars from the people through the Zaildars and Lambardars.

The land system prevailing in the several provinces is not the same. In some parts (Bengal, Behar, Orissa and some other small areas) the dues of the Government have been permanently fixed. In other provinces the land is subject to periodical settlement, and the period varies from 20 to 30 years.

In certain parts of India the yearly rainfall is not adequate for the growth of crops. Hence land has to be artificially irrigated,—and Government have canals excavated and other irrigation works constructed. The money thus spent is received back in the shape of water rate and increased rents. The Punjab is one of the best irrigated provinces in India, and the revenue from this source is larger than that from land.

Agriculture and Industries

In every province there is now a Department of Agriculture and Industries in charge of a Minister. It will continue to be an important department, for the prosperity of a country like India depends on the development of agriculture and industries. Almost in every province there are Veterinary and Agricultural Colleges for improvement in methods of agriculture, in live stock and in the prevention and cure of animal diseases. The Government maintains Demonstration Farms to show to the people how better methods of agriculture can be introduced and a large yield of crops can be obtained from the soil.

The Industries Department usually supplies information to the public and promote such industries as are suited to the needs and means of the people. Incidentally it may be mentioned that hydro-electric schemes form one of the recent agencies for the industrial development of the country. Such schemes can be associated with irrigation projects: for, the water may be first used to drive turbines at the generating stations and then distributed over fields.

The greatest use of water power has been made in Bombay by the Tata Hydro-Electric Agencies. The Pykara and the Mandi Hydro-Electric Projects have also a great future in the respective provinces of Madras and the Punjab.

Co-operative Credit Societies

Before leaving the subject of agriculture and its improvement a few words may be said about Co-operative Credit

Societies. The subject is of overwhelming importance because on the prosperity of the peasantry depends the prosperity of the country.

The oustanding feature of Indian rural economy is the indebtedness of the cultivator. He is usually indebted to the village money-lender who charges a high rate of interest for the loan. The Agricultural Credit Societies provide for loans to the cultivators at a comparatively low scale of interest.

The Co-operative movement has many aspects. But we are here talking of the Agricultural Credit Societies which lend money to the cultivators who otherwise would borrow at an exorbitant rate of interest from the village *sowkars*.

The structure is like this: In the villages there are *primary societies* registered with the permission of the Registrar of Co-operative Societies. These societies are grouped into *unions* above which are the Central Banks. At the apex of the structure is the Provincial Co-operative Bank. The capital is supplied by the members as well as outsiders. The Punjab has made great progress in this matter. There are now 21,000 societies with a membership of 656,000 and a circulating capital of 13 crores of rupees for the Punjab. The Co-operative movement has done immense good to India. Hence it is no exaggeration to say, as a writer has said, that if co-operation fails with it fails the last hope for India.

Education

From the civic point of view the promotion of education is one of the most important functions of Government. Every Indian province has now a Department of Education in charge of a Minister who is assisted in the work of administration by the Director of Public Instruction. The D. P. I. has under him a large inspecting staff for the schools; and the teaching staff of the Government schools and colleges

are under his control. He is assisted by a Deputy Directress to supervise education of girls.

The Department supervises the lower forms of instruction imparted in schools; and the higher or collegiate education is regulated by the University. Almost every province has a University. This is not always the case. The N.-W.-F. is within the jurisdiction of the University of the Punjab; whereas in U. P. there are no less than five Universities. Normally the head of the province is the Chancellor of the University; and he nomi- nates a Vice-Chancellor. Usually the executive body of a University is called the Syndicate with a Registrar as the chief executive officer. The Senate frames regulations for the University subject to the sanction in most cases of the Government concerned.

Every Provincial Government spends a pretty large amount every year for fostering education. The Punjab Government incurs every year an expenditure of more than one crore and sixty lakhs in maintaining its own schools and colleges (general and vocational) and in giving aid to those established by private enterprise. Thus, for instance, Government itself maintains 7 high grade professional institutions, 16 arts colleges, 3 normal schools for boys, 16 training classes, 122 secondary schools for boys and girls and 60 centres for vocational training.

Public Health and Sanitation

In every province there are the two Departments of Medical and Public Health which are included in the charge of the Minister for Local Self-Government. Under him there are the Surgeons-General in the Presidencies and the Inspector-General for Civil Hospitals in the other provinces. They are the administrative heads of the Medical Department. Under them are the Civil Surgeons who are medical officers of districts. They are assisted by Assistant Surgeons and

Sub-Assistant Surgeons. These officers are mainly concerned with curing diseases, whereas the Department of Public Health is concerned with the preventive or sanitary work. This Department is controlled by the Director of Public Health who has assistants under him. He is the technical adviser of the Sanitary Board whose duty it is to examine and report upon sanitary schemes put forward by local bodies. Much of the actual work of sanitation rests upon Municipalities and District Boards.

CHAPTER VII

THE INDIAN STATES

Main features of the States

Politically India is divided into two distinct parts : British India and Indian India. The machinery of government in the British India has been described in the Provincial Constitution and the district and local administration already discussed refer to the territories directly under the British rule. There are vast areas not under the British rule. They are governed by the Princes in their own way, but in external affairs they acknowledge the supremacy of the British Crown. The Ruling Prince is the final authority in all internal matters. He lays down the policy of government, frames the rules and regulations sometimes with the help of representative assemblies but mostly without reference to any other body, makes the appointments, and controls the judiciary and the executive.

The states cover more than 712,000 square miles, and have a total population of 81,310,845. Although in area they are not very different from British India excluding Burma and Baluchistan they contain about one-third the total population of British India. These states are scattered all over India, and it has been described that "In the Indian States nature assumes its grandest and its simplest forms. The eternal snows of the Himalayas gather up and enshrine the mystery of the East and its ancient lore. The enterprise of old world western adventure now slumbers by the placid lagoons of Travancore and Cochin. The parched plains of Rajputana and Central India with their hilly fastnesses recall

the romance and chivalry of days that still live and inspire great thoughts and deeds. The hills and plains of Hyderabad and Mysore, famed for gems and gold, for rivers, forest, waterfalls, still cry out great names of history. Over the dry trap plateaux of the Deccan swept the marauding hosts of the Mahrattas, eating here and drinking there, right up to ancient Delhi. From the west, the ports of Kathiawar with their busy progressive people stretch out hands to the jungles of Manipur in the east with their primitive folk and strange practices. The marching life of Mughal and Mahratta times has yielded to the sustained quiet of British life, but the old spirit survives in many a story and many a hope."

One can pass from the north to the south of India without touching British territories. Starting from Chitral and Gilgit you may reach the beautiful valley of Kashmir and then you may march through the small Rajputs States of the Himalayas and come to the State of Patiala. In your southward journey you may pass through the numerous ancient states of Rajputana and the more recent states of the Mahrattas, Baroda and Indore. You will then come across the extensive Dominions of the Nizam and the prosperous States of Mysore and Travancore and ultimately reach the southern end of India. One may similarly march from the banks of the Indus to the Bay of Bengal through a number of States almost contiguous to one another, and maintaining their old form of government.

Each state has its own history. Most of them come from remote antiquity. Some of them existed before the Moslems invaded India, many of the Rajput States survived the Muhammadan onslaughts and many more came into existence at later times. On the downfall of the Mughals the Mahratta States asserted their independence, and Sikh States gradually reared their heads. Only a very few states were founded in

the British period. Whatever may be the origin of these States and whatever may be the length of their life they have all been roped in the British suzeraintv. They are all bound to submit to the Paramount Power.

Indian States and the British Crown

Although the rights of the Princes are defined in the treaties and engagements made with the British Government they are all subject to the paramountcy of the British Crown. In all disputes between the British Government and the Princes the decision of the British Government is final. There is no international tribunal to which such disputes can be referred. The relations between the Princes and the British Government were defined by Lord Reading in a letter to the Nizam (March 27, 1926), in which he said :

"The Sovereignty of the British Crown is supreme in India, and therefore, no ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exist independently of them and quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India."

The Governor-General further asserted :

"The right of the British Government to intervene in the internal affairs of the Indian States is another instance of the consequence necessarily involved in the supremacy of the British Crown. The British Government have indeed shown again and again that they have no desire to exercise this right without grave reason. But the internal, no less than the external, security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government,

and where Imperial interests are concerned, or the general welfare of the people of a State is seriously and grievously affected by the action of its Government, it is with the Paramount Power that the ultimate responsibility of taking remedial action, if necessary, must lie. The varying degree of internal sovereignty which the Rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility."

This right of the British Government to intervene in the internal affairs of a State, if necessary, as enunciated by Lord Reading has not been accepted by the Princes. They claim that the States have their absolute rights based on contract with the Crown. If any dispute arises between the Crown and a Prince there must be a judicial machinery for a fair adjustment of the dispute, so that the Government of India might not be a judge in their own cause, and that the aggrieved State might know what case it has to meet and not left by official secrecy in ignorance which breeds distrust. The Princes want a constitutional machinery for the adjustment of the difference of opinion and conflicting interests between the States and British India and Great Britain. They assured their co-operation in building up a United India within the Empire if they were given opportunity to play their rightful part. Things have been shaped in the new constitution in such a way that the Princes may take a prominent part in the Federation.

The citizens of India are no doubt anxious to see India united and in this matter they desire the co-operation of the states but there is a doubt regarding the usefulness of the governments of the states which are still bound to the absolute system, with the British India where a more democratic form has been developing. The subjects of the Ruling Princes do not enjoy the rights and privileges as are

enjoyed by the people in British India. The states subjects have no rights defined and the authority of the Princes is absolute. The ministers have no responsibility to the subjects and even if in some states there are representative assemblies they have not full powers either to frame laws, to control the purse or to lay down the policy of the states. They are nothing better than advisory bodies. In these circumstances it is feared that the association of the states with the British Government may lead to the perpetuation of absolutism and the medieval practices. The subjects of the states are not encouraged to meet to discuss their common problems. Very often their association with the politically conscious citizens of British India is condemned. But in some states attempts have been made to improve the system of government. In estimating the progress of the states the Butler Committee remarked :

" For long they stood upon the ancient ways but they too have been swept by the breath of the modern spirit. Their efforts to improve the administration on the lines generally followed in British India have already in many cases been attended wlth conspicuous success. Of the 108 Princes in Class I, 30 have established legislative councils most of which are at present of a consultative nature only ; 40 have constituted High Courts more or less on British Indian models ; 34 have separate executive from judicial functions ; 56 have a fixed privy purse ; 46 have started a regular graded civil list of officials ; and 54 have pension or provident fund schemes. Some of these reforms are still no doubt inchoate, or on paper, and some states are still backward, but a sense of responsibility to their people is spreading among all the states and growing year by year. A new spirit is abroad. Conditions have very largely changed in the last twenty years."

The Political Department

The Governor-General is in charge of the Political Department of the Government of India and as such all the Indian States are watched by him. He has under him a number of Agents who reside in the different parts, and they keep him informed about the affairs which require his attention. The states are classified according to their position and improtance. They receive salutes according to their rank. The five large States of Hyderabad, Gwalior, Baroda, Mysore and Jammu and Kashmir are in direct relations with the Government of India. The rulers of these states receive a salute of 21 guns on entering British India. The rulers of Sikkim and Bhutan also are included in this category. A British Resident lives in each of these states. Other states are grouped according to their situation and an Agent to the Governor-General is appointed for each group. There are altogether 585 states of which 149 are salute states and 436 are non-salute states.

In the Baluchistan Agency there are two states, Kalat and Las Bela. They are controlled by the Agent to the Governer-General in Baluchistan.. The Central India Agency includes 28 salute states and 69 non-salute states. The Agent to the Governor-General has his headquarters at Indore and he is assisted by a number of Political Assistants in the Major States. The Deccan States Agency contains 17 states of whom 6 are salute States. The Agent of the Deccan States is also the Resident at Kolhapur, and he looks after all the states in the Agency. In the Eastern States Agency there are 20 important states and 20 other non-salute States with the Agent to the Governor-General as the principal Political Officer. These states lie mostly in Bengal and Orissa and its neighbourhood. The Resident at Baroda is the Agent for Gujrat States. He manages 11 salute states

and 70 non-salute states in the Agency. The Madras States Agency contains Travancore, Cochin, Pudukottai, Banganapalle and the non-salute state of Sandur. The Governor of the North-West Frontier Province is also the Agent to the Governor-General for the states in the Frontier, including Chitral, Dir and Swat. There are 14 States in the Punjab States Agency. They are Patiala, Bahawalpur, Khairpur, Jind, Nabha, Kapurthala, Sirmur, Mandi, Bilaspur, Malerkotla, Faridkot, Chamba, Suket and Loharu. The Agent to the Governor-General in Rajputana has under him 21 salute States and 2 non-salute states.

The Rajputana Agency contains the ancient Rajput States of Mewar, Jaipur, Marwar, Bundi, Bikanir, Kotah. There are Residents in Mewar and Jaipur, who also control the Southern Rajputana States and the Western States of Rajputana respectively. The Western India States Agency has in it 16 saulte states and 236 non-salute states and Estates. The important states in this group lie in Kathiawar. The State of Manipur and 15 non-salute states are in relation with the Government of Assam; Cooch-Behar and Tripura were in relations with the Government of Bengal and have recently been transferred to the Eastern States Agency; the smaller states in the Simla Hills were in relations with Government of the Punjab and have now been placed under the Punjab States Agency; and Rampur, Benares and Tehri-Garhwal are in relations with the Government of the United Provinces.

The Political Department is drawn from both the civil and military services of India. The Butler Committee recommended that there be should a special service for recruiting the officers in the Political Department. In the past the entry to the department was largely secured by interest and nepotism. Men were admitted to the department for the old family connection. The Political Department is not subject the scrutiny of the representatives of the people

It carries on its work in secret and the affairs in the states cannot be discussed in the British Indian Legislature. It has been said that the department of which the Viceroy himself is the head consists of a large and important bureau at the headquarters of the Government of India with its tentacles and representatives spread among the states. The public do not know how the department is managed. Although the relations with the states are governed by the treaties and engagements the Political Officers generally follow a secret code compiled by Sir Lewis Tupper. The attitude of these officers is often resented by the Princes. The Secretariat of the Department did not care to consult the Princes whenever any complaint was received against them. This attitude has been considerably modified since the administration of a sympathetic Viceroy like Lord Minto. It was agreed that there should be as little intervention as possible. But this has not saved some princes being dealt with severely by the Government. For mal-administration and other serious charges brought against them they were compelled to abdicate from their thrones. The Princes are also advised to borrow competent officers from British India. The administration of Mysore was taken over by the British Government for fifty years. The Paramount Power has full authority to ensure good administration in a state in the interest of the state concerned as well as that of British India.

The States and Defence

The states cannot fight with one another or cannot declare war with any other foreign power or negotiate peace. They cannot enter into relations with any other foreign powers. The British Government has undertaken the duty of defending the country including the states and to arbitrate between the states in case of any difference. But this has not relieved the states of their necessity to maintain some troops. Even

when they had to pay tribute to the British Government for the expenses of the Subsidiary Forces they had to employ their own Contingents. These contingents were often of use to the British Government in frontier troubles. The state forces were also sent abroad to fight against the enemy of the British. But these troops have to submit to the inspection of the British Officers whenever they were requisitioned for the general purposes of defence.

The states pay tribute or have ceded territories on condition of receiving protection from external enemy. It has been submitted on behalf of the states that by their past cessions of land and money, and by their present tributes and subsidies they have provided 53,693 infantry and 20,148 cavalry, with a certain amount of artillery, or about 74,500 troops in all. The total strength of the state forces would be about 50,000. The Government of India maintain about 230,000 troops for the defence of the country and spends over defence Rs. 56 crores a year. Considering these facts the contributions of the states is really very great.

Internal Administration

The states provide for the education of the children of their subjects, for communications and sanitation and for industrial development. Although the rights of the subjects are not defined still the scope for the exercise of Indian talents is very great within the states. Indians hold the very highest posts and if they are competent and good-intentioned they can render immense service to their fellow-subjects. The Princes generally depend upon their ministers and the welfare of the states depends upon the ability and character of such officers. The ruler is guided by his Dewan or minister and the Political Officer representing the British Government guides the ruler and his officers. If the ministers were made responsible to the representative assembly then there was greater likelihood of the Prince enjoying the

good-will of his subjects and greater chances of peace and order. This would have reduced the interference of the British Government in the internal affairs of the state.

The Chamber of Princes

The Princes of India were not allowed to consult one another on any question excepting through the Paramount Power. When they ceased to be a source of danger to the British possessions and the British Government considered itself sufficiently strong to control the affairs of India then attempts were made to associate the Princes in some way with the Government of India. Lord Lytton proposed to establish an Imperial Privy Council with some of the important Princes. But this proposal was not accepted. Lord Dufferin organised the Imperial Service Troops as an Auxiliary to the Indian Army for the defence of India and thereby offered the Princes an opportunity to serve the Crown. Lord Curzon tried to strengthen the Imperial Cadet Corps and he also proposed that a Council of the Ruling Princes should be constituted. Lord Minto had a similar scheme, but this did not materialise. He consulted the Princes on the question of political discontent in India in 1910. This was the first attempt to break the policy of subordinate isolation. Lord Hardinge used to call conferences of the Princes on questions of education and other problems in the states. Lord Chelmsford carried this policy of consultation to the general problems of the states, and he was urged by some of the states to set up a Permanent Council or Assembly of the Princes. The idea of a Council or Assembly was supported in the Report on the Constitutional Reforms in 1918. The idea took a definite shape when the reforms were introduced. The Chamber of Princes was established on the 8th of February, 1921, by a Royal Proclamation. It was opened by the Duke of Connaught as representative of His Majesty the King-Emperor in the historic Dewan-i-Am

of Delhi where the Mughal Emperors used to hold their Durbars.

The Chamber consists of first, the Ruling Princes who enjoy permanent dynastic salutes of eleven guns or over, secondly, of other rulers of States enjoying full internal powers in their states, and who are considered qualified by the Viceroy for individual admission into the Chamber, and thirdly, twelve additional Princes representing 127 other States not included in the above lists. There are 109 Princes who are members by their own right, and 12 representatives of 126 other States. The Chamber meets at Delhi and has now a hall of its own in the Council Chamber. The Viceroy is the permanent President of the Chamber which elects its own Chancellor and Pro-Chancellor. There is a Standing Committee of the Chamber consisting of 7 members including the Chancellor and the Pro-Chancellor for discussing questions referred to them by the Viceroy. The Standing Committee also have the power of placing before the Viceroy questions affecting Indian States generally, or the States and British India.

The establishment of the Chamber of Princes which has its Indian nomenclature as *Narendra Mandal* has brought the Princes together to advise His Majesty's Government on important questions affecting their order. But this method of focussing their opinion does not entitle them to discuss the existing treaties or the relations of the ruling princes with the British Government. The Chamber is a purely deliberative, consultative, and advisory body and it has no executive functions. The Princes meet under the presidency of the Viceroy who guides the policy of the British Government with regard to the States. Some of the rulers of the big States do not attend the meetings of the Chamber, and the importance of the Chamber has been greatly reduced by their absence.

The Princes are expected to discuss questions of common interest. But they cannot take into consideration the relation between any State and the British Government. The powers of the Chamber are limited.

The States and the Indian Federation

When the constitutional reforms of India were being discussed it was felt that the Princes could not be kept out of the future Government of India. Some of them were invited to the Round Table Conference and there they welcomed the idea of a federation. The Maharaja of Bikaner made a remarkable utterance when he said :

"We of the Indian States are willing to take our part in, and make our contribution to, the greater prosperity and contentment of India as a whole. I am convinced that we can best make that contribution through a federal system of government composed of the States and British India. These two partners are of different status. The Indian States are already sovereign and autonomous of right, having the honour of being linked with the Crown by means of Treaties of perpetual alliance and friendship and unity of interests; British India derives whatever measure of authority it may possess by devolution. But it will not be beyond the wealth of experience available at this Table to devise a means of linking these differing units into a powerful federal administration."

The Maharaja further urged that the Treaty rights of the States had been encroached upon and that in some cases an arbitrary body of usage and political practice had come into being. He protested against the practice of deciding such important cases *ex parte* by any Government, and it was for this reason they attached the utmost importance to the establishment of a Supreme Court, with full powers to entertain and adjudicate upon all disputes of a justifiable nature as to their rights and obligations guaranteed by the Treaties.

As a result of the deliberations of the Parliamentary Committee it has been decided to create a Federation upon certain conditions. The King may bring the Federation into existence by proclamation when States entitled to choose not less than fifty-two members of the Council of State, and having a population of at least one-half of the total population of the States have acceeded to the Federation. The accession of the States again depends upon the acceptance by the King of the Instrument of Accession executed by the ruler.

In the Instrument of Accession the ruler shall have to declare that he would transfer some functions hitherto exercised by him to the federal authorities such as the Federal Legislature and the Federal Court and the King and his Viceroy. The Ruler also shall have to assume the obligation of ensuring that due effect is given to the provisions of the Act of Parliament creating the Federation within his State.

The Federal Legislature would consist of the Governor-General as representing the King, and two Chambers, *viz.*, the Council of State and the Federal Assembly. On the Council of State there will sit 104 representatives of the Indian States and on the Federal Assembly not more than 125. The States would contribute more than their population strength entitles them to the composition of the Federal Legislature as on the Council of State there will be 156 representatives of British India and 104 representatives of the Indian States and on the Assembly 250 representatives of British India and 125 of the Indian States.

The representatives of the States may be appointed to the Council of Ministers. The subjects in which the Federal Legislature has power to make laws are quite large. They include such subjects as defence, external relations, currency and public debt, posts and telegraphs, railways, mercantile

marine, aviation, major ports, survey of India, Geological, Botanical and Zoological Survey of India, Meteorological Department, banking, copyright, insurance, mines, industries, labour in mines and other subjects. A State shall specify in his Instrument of Accession the subjects which he is transferring to the Federal Authority. There are certain subjects of concurrent jurisdiction in which the Federal Legislature as well as the State Legislature may legislate.

The Federation will bear its own expenses on account of the salary of the Governor-General, Ministers and Counsellors, judges of the Federal Court, the cost of defence, ecclesiastical department, political department and other expenses considered necessary by the Governor-General in discharge of his Federal duties. The States are not required to make any payment directly besides the tributes which they have been paying hitherto in pursuance of the old engagements. They will be relieved of the burden of the departments which they will transfer to the Federation.

The establishment of a Federal Court is a matter of great importance to the States. A tribunal for the trial of cases in which a State is a party shall be constituted but its jurisdiction shall extend to limited subjects. The dispute must concern the interpretation of the Federal Act, the Order in Council made thereunder, or the executive authority vested in the Federation by virtue of the Instrument of Accession of that State; or it must be a dispute arising under an agreement made with the State in relation to the administration of a Federal subject, or the performance of any of the functions of the Crown agreed to between the Federation and the State. The Federal Court also may hear appeals from High Courts in Federated States on a point of law, provided that sanction has been obtained from the High Court for such an appeal. The Court shall have no power to hear and adjudicate upon treaties and engage-

ments, which may form the subject of dispute on any account. Only the federal subjects will come before it.

The Princes are thus in full possession of their powers over their subjects and the Federation does not affect their ruling functions. On the other hand, they will obtain a definite power over subjects in which the whole of India is concerned. The representatives of the States will be the nominees of the Rulers, and the representatives of the British India will be elected by well-organised electorates. A sense of unity will be developed between the two parts; and in the near future it may be expected that it will help the evolution of an Indian Nation.

CHAPTER VIII

THE CENTRAL GOVERNMENT

This chapter is divided into two parts. The first section describes the structure as it exists at present (1936). The second section contains a description of the federal system as it would be established in future under the Government of India Act of 1935.

SECTION I

The existing structure at the Centre

The Governor-General-in-Council

The Executive Government at the centre is composed of the Governor-General and his Council. There is at present no statutory limit to the number of members of the Governor-General's Council. But in point of fact it is composed of the Governor-General who is the President and seven members including the Commander-in-Chief.

It has been explained that the subjects of administration have been divided into central and provincial. Matters which pertain to the whole of India (not to any particular province only) are treated as Central, and matters in which the interests of a particular province essentially predominate are Provincial. A list of central and provincial subjects has been given in the preceding chapter.

The central subjects are grouped under eight departments. The Governor-General is in charge of the Foreign and Political Department; the seven members manage the seven other Departments, and are styled accordingly. The different departments are :—(1) Foreign and Political, (2) Army, (3) Home,

(4) Finance, (5) Law, (6) Commerce and Railways, (7) Education, Health and Lands, and (8) Industries and Labour. The Governor-General holds the *portfolio* of the Foreign and Political Department assisted by two Secretaries, one in charge of each of the two branches. The Commander-in-Chief has charge of the Army Department and is next in rank to the Governor-General. All-India services, police, prisons, judicial matters and such other affairs of internal administration fall within the jurisdiction of the Home Department. The Law Member is the head of the Legislative Department, is the legal adviser of the Government and is responsible for the drafting of all Government Bills. The Department of Industries and Labour, in addition to the subjects indicated by the name, concerns itself with the Post Office, Telegraphs and Civil Aviation. The jurisdiction of the other departments will be clear from their titles.

Besides the Commander-in-Chief there are six Members. Three of them are Indians at present. There is nothing to prevent all of them from being Indians. The qualifications laid down for Members are that three of them must be persons who have been for at least 10 years in the service of the Crown in India, and one of them must be of not less than 10 years' standing as a Barrister of England or Ireland or as member of the Faculty of Advocates in Scotland or as a pleader of an Indian High Court. They are appointed by the King-Emperor on the advice of the Secretary of State for India.

Ordinarily the Governor-General's Council meets once a week. In case of a difference of opinion in the Council the decision of the majority usually prevails; but the Governor-General can override the majority if he considers that the matter is of such grave importance as to justify such a step. The Governor-General possesses large powers and they will be noted separately. Nevertheless the words of Lord Curzon

are true and may be quoted : "Never let it be forgotten that the Government of India is conducted not by an individual but by a committee. No important step is taken without the assent of a majority of the Council......The Viceroy has no more weight in it than any individual member of it."

All the seven members of the Council sit in one or the other of the Indian Legislature; so too the two Secretaries in charge of the two branches of the Foreign and Political Department. Usually the Senior Member of the Council who sits in the Legislative Assembly is the leader of the House.

The Central Executive is not in any way affected by an adverse vote of the Legislature. It is responsible to the British Parliament through the Secretary of State for India; and the law lays down that due obedience should be paid by the Government of India to all such orders as may be received from the Secretary of State. On the other hand, it is rather difficult to flout any clearly expressed opinion of the Indian Legislature; and in practice a considerable influence is exerted by the Central Legislature upon the acts and policies of the Central Government.

From what has been said it would be clear that there is no dyarchy in the Central Government; there is no division of functions; no part of it is responsible to the Legislature.

The superintendence, direction and control of the civil and military government of India are vested in the Governor-General-in-Council; and every local Government is required to keep the Central Government informed of all administrative affairs. But when and to what extent are the powers of supervision and control exercised by the Government of India ? In respect of reserved subjects the authority of the Government of India is unrestricted in theory ; but in point of fact no interference is made in questions in regard to which the local Government and the local Legislature are

in accord. In relation to transferred subjects interference is exercised for the purpose of safeguarding the administration of Central subjects and of deciding questions at issue between two provinces.

The Indian Legislature

In each Governor's province there is one Legislative Council. But at the centre there are two chambers—the Council of State and the Legislative Assembly. Their composition and functions are given separately.

The Council of State

The Council of State consists of not more than 60 members, nominated and elected, of whom not more than 20 are officials. The Governor-General appoints from among the members a President. The number of elected members is 33. The Punjab sends 8 members of whom 4 are elected and 4 nominated. The electors have high property qualifications, for instance, in the Punjab all owners or Crown tenants of land assessed to land revenue of not less than Rs. 750 per annum and all persons who are assessed to income tax on an income of not less than Rs. 15,000, all past and present members of a University Senate, all holders of the highest oriental titles (*e.g.*, Shamsul-Ulema and Mahamahopadhya), and all persons who hold or have held office as Chairman or Vice-Chairman of a Municipality or a District Board or of a Co-operative Central Bank, have a right to be registered as voters.

The object in establishing the Council of State was to have a second chamber with revising authority upon all Indian legislation ; and the framers of the present system have put it down as their expectation that the services of the best men available in India would be attracted and would give the Council thereby the status and dignity of a body of elder statesmen. The legislative and deliberative powers of the

Council of State are co-ordinate with those of the Legislative Assembly. But the financial powers are less. The annual Budget is presented to and discussed by the second chamber, but the voting of particular grants is the privilege of the Lower Chamber. In other words the Budget is passable only by the latter, the former has merely to agree. But a Financial Bill containing proposals of taxation, being a Bill, must receive the assent of the Council of State also.

The Legislative Assembly

(*a*) **Composition of the Assembly.** The minimum number fixed for the Assembiy is 140 ; its actual number is 146. The Act of 1919 lays down that at least 5/7ths of the total should be elected members and at least 1/3rd of the other members should be non-official. There are 105 elected and 41 nominated members.

Each province contributes a fixed quota of members to the Assembly ; and the distribution of elected members is presumably according to the importance of each province, and not to its area and population. From the Punjab three nominated and twelve elected members are sent to the Assembly.

The franchise is much wider than that for the Council of State. In the Punjab the electors for the Assembly include owners of land assessed to land revenue of not less than Ks. 100 per annum ; all owners of buildings of the value of not less than Rs. 15,000 or of an annual rental value of not less than Rs. 336 ; all tenants or lessees of Crown land the rent payable for which is not less than Rs. 100 per annum ; all payers of income tax on income of not less than Rs. 5000.

As in other cases so in the case of the Assembly, the election is on a communal basis. The qualified voters are grouped, in the Punjab, as Muhammadan, Sikh and Hindu constituencies ; and they vote for and elect men of their own

community. These are called General Constituencies (as in the case of a province) ; and there are Special Constituencies composed of big land-holders and Chambers of Commerce.

The normal life of the Assembly is 3 years and that of the Council of State 5 years ; but in either case the Governor-General can shorten or lengthen it. The Governor-General is not a member of either House, but he can address either and for that purpose require the attendance of the members. A Governor (who is also not a member) has similar right in respect of the provincial legislature.

(*b*) **Law-making Powers.** The Central Legislature (taking the two Houses together) legislates on the central subjects. But with the previous sanction of the Governor-General, any measure can be introduced for regulating any provincial subject and for replacing or amending any Act of a Local Legislature. There is this restriction on the Indian Legislature because otherwise there will be no meaning in the division of subjects into provincial and central. It is also quite easy to understand why the Indian Legislature is debarred from altering or repealing any Act of the British Parliament extended to India and from passing any law affecting the authority of the Parliament or the sovereignty of the British Crown over India. Besides these, however, the legislative powers of the Indian Legislature are restricted in other ways. Without the previous sanction of the Governor-General no measure can be introduced which affects (*i*) the public debt or revenues of India, (*ii*) the religion or religious rites and usages of British subjects in India, (*iii*) the discipline or maintenance of His Majesty's Military, Naval or Air Forces, and (*iv*) foreign relations. Moreover if the Houses reject a Bill or do not pass it in the form which the Governor-General considers essential or if the Bill be passed by one House and rejected by another, the Governor-General may certify that the Bill is essential for the safety, tranquillity or interests of

British India, and then the Bill becomes law. This Certificated legislation is subject to disallowance by His Majesty in Council. Lastly, no Act is operative till it receives the assent of the Governor-General.

It has been said that in respect of law-making the Council of State is on an equal footing with the Legislative Assembly. A Bill may originate in one of the Houses ; it must receive the assent of the other. As in the provinces so at the centre, a Bill passes through three stages. The committee stage and the second reading are very important. When a Bill is considered by the House for the third time it is called upon to give its final opinion on the Bill and the amendments proposed.

(*c*) **Financial Powers.** It has been said that the Assembly has a wider power than the Council of State in the domain of finance. To the Assembly the Financial Statement is explained and the Budget is presented by the Finance Member; and the demands for grants are discussed and voted upon. But a good part of the proposals for the appropriation of revenue is non-votable, that is to say, the expenditure on such heads is authorised by the Governor-General-in-Council without being voted. They are : (*i*) interest and sinking fund charges on loans ; (*ii*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State for India; and (*iii*) expenditure classified by the Governor-General-in-Council as ecclesiastical, political and defence. It should be noted that the non-votable items cover about 85 p.c. of the total expenditure.

The Legislative Assembly can assent to or reduce or totally refuse the votable grants. But if reduced or refused the Governor-General can restore on the ground of necessity, any or all of them by the power of certification.

(*d*) **Administrative Powers.** Besides the legislative and financial powers the Central Legislature possesses (as a pro-

vincial legislature does) interrogatory and deliberative powers. These are the same as those enjoyed by a provincial Legislative Council. But the latter can remove the Ministers by a vote of censure. But there are no Ministers at the centre and not part of the Executive is removable. These powers of general scrutiny of the administrative are however of great value. But they are restricted in scope and result as the legislative and financial are. Take for instance the right of interpellation. The Legislature cannot ask questions regarding Foreign Relations and Indian States or matters which are the subject of controversy between the Governor-General and the Secretary of State or a Local Government.

(*e*) **Character of the Indian Legislature.** A sovereign legislature (like the British Parliament) makes laws on all topics and persons included in its jurisdiction. It possesses full control of the Purse, that is to say, the sole right to vote supplies for the various departments of the Government. But the Indian Legislature has its scope limited. The Executive is not dependent on it; on the other hand, the Executive can override the Legislature. It is not free to make laws like a sovereign legislative authority, on any topic whatsoever and touching any person or place within its jurisdiction. Hence it is a subordinate law-making body. A provincial Legislative Council certainly is, and bound to be, subordinate.

The President of the Assembly

The Act of 1919 lays down that for the first four years there would be a nominated President in the Local Legislature as well as in the Legislative Assembly. After the expiry of that period the President would be elected from among the members. So now there is an elected President everywhere except in the Council of State. Mr. V. J. Patel was the first elected President of the Assembly; and Sir Abdur Rahim is the present President. The office corresponds to the Speaker-

ship of the British House of Commons, and is one of great dignity and responsibility. He controls discussions and gives rulings on disputed points and is the guardian of the privileges of the House. He admits questions and grants permission to move resolutions. In case of equality of votes he uses his casting vote. These general remarks apply to the President of a provincial Legislative Council as well.

The Viceroy and Governor-General

In the statutes the title used is Governor-General. But he is Viceroy because he represents the King-Emperor of India. This endows the office with more dignity, prestige and special privileges. He has the privilege of reprieving persons condemned to death. It is through him that homage is tendered to the King-Emperor by the Princes of India.

The Governor-Generalship of India is considered the most magnificent, honourable and responsible office in the overseas service of the British Crown. The noteworthy feature is the direct personal share which the Governor-General possesses in the government of the country. Normally the Government of India is carried on by him with the help of the Executive Council and the two Houses of Legislature. But in cases of emergency and stress he can set aside the opinion of the Council and of the Legislature. He can override the Council on the ground of the safety, tranquillity and interests of British India. For the same reason he can (*a*) pass Bills over the head of one or both dissenting chambers of the Legislature; (*b*) prevent the introduction or consideration of Bills he disapproves of; (*c*) return Bills passed by the Houses for reconsideration and passage in the form recommended by him; (*d*) reserve any Bill for the signification of His Majesty's pleasure thereon; (*e*) withhold his assent to any Bill passed by the Central or Provincial Legislature; (*f*) promulgate Ordinance which have the force of law for six months, and

(g) restore grants refused by the Assembly and authorise such expenditure as he thinks necessary. Two instances may be given. In 1921 the Assembly rejected the Princes Protection Bill. But it was certified by the Governor-General and it became law. The salt duty proposed in the Finance Bill of 1923 was rejected by the Assembly; but it was restored by the Governor-General.

Besides these the Foreign Relations of India are his concern as well as relations between British India and the Indian States. But this list of legal powers does not exhaust the range of his individual authority or the full importance of his office. The course of Indian politics is profoundly affected by his personality and influence. Every grave political event comes under his notice or study; no new policy of any importance even in the Governor's provinces, is ever embarked upon without the general concurrence of the Governor-General.

SECTION II

Federation and the future constitution

Stages leading to the Constitution Act of 1935

The present constitution introduced under the Act of 1919 has been sketched above; and its characteristics, merits and demerits have been pointed out. It must be conceded that it is a great improvement upon the system which existed before. The political system* which prevailed before 1921 was based on the Indian Councils Act of 1909. In it the element of responsibility was lacking; in every legislature, central and provincial (except in Bengal) the elected members were in a minority; the ultimate decision rested in all cases with the Government, and the Councils were left with no

* Called Morley-Minto Reforms because when the Act of 1909 was passed Viscount Morley was the Secretary of State for India and Lord Minto was the Governor-General.

function save that of criticism; and they criticized the Executive in a very irresponsible manner. As compared with the Act of 1909 the present constitution is a great step in advance. It, however, met with opposition from the very year of its inception. The politically-minded Indians considered the Reforms as a very meagre dose. They demanded full responsible government whereby the Executive would be entirely responsible to the Legislature. They insisted upon the appointment of Indians in large numbers to high posts including the Army. In spite of the lack of co-operation between the Government and some classes of citizens the Reforms under the Act of 1919 have given the citizens a more intimate touch with the administration than before.

In 1927, a Royal Commission was appointed to review the political progress of India and her fitness for further constitutional advance. It was designated the Indian Statutory Commission, and known as Simon Commission after the name of the Chairman. On account of the exclusion of Indians from it, the Commission did not arouse any hope and enthusiasm among the educated Indians; and when it reported its recommendations failed to satisfy them.

Mainly because of the almost universal dissatisfaction with the personnel of the Statutory Commission it was decided to hold a Round Table Conference in London in order to discuss with representatives from India the future constitution of the country. The Round Table Conference held three sessions (1930-33). Some committees were appointed to go into such questions as the extension of the franchise and the structure of the federation. As a result of the discussion at the Conference and the recommendations of the committees certain proposals took definite shape and were published by the British Government in what is known as the White Paper (March 1933). In the previous year the Communal Award had already been announced (August 4, 1932).

A Joint Select Committee of the two Houses of Parliament was then set up to consider and report upon the White Paper proposals in consultation with Indian representatives. The Government of India Act of 1935 is based upon the White Paper and the recommendations of the Joint Parliamentary Committee.

The Act of 1935 vitally changes the political structure of India. The three main features of the Act are—(1) All-India Federation, (2) Provincial Autonomy, and (3) Responsibility with safe-guards. Provincial Autonomy with safe-guards, which will be operative from April 1937, has already been described. Probably the Federation will come into being in 1938; at any rate, the time between Provincial Autonomy and Federation cannot be a long one. The future federal system with safe-guards is described below.

What is All-India Federation ?

The Indian States have now very little to do with British India. They do not send representatives to the Indian Legislature. Their affairs are the concern of the Political Department which is directly under the Viceroy. It is desirable for the unity and strength of India that they should not continue in political isolation. Hence the idea of Federation has been evolved. It means that the Indian States, the Governors' and Chief Commissioners' provinces will be combined into one State; but each constituent part of the union will be autonomous in its own sphere. The British Indian provinces and the Indian States are not on the same footing. The latter, unlike the former, possess sovereignty in various degrees. Hence the accession of a State to the Federation should be a voluntary act; and the Instrument of Accession executed by a Ruler and accepted by the Crown, will lay down the terms on which he enters the Federation; and the terms will show the extent of the authority which the Federal Government will exercise over the Indian State.

How is the Federation to be brought into being ? The Act of 1935 provides that the Federation is to be constituted by a Proclamation made by His Majesty. Before the Proclamation is made two conditions are to be fulfilled:—(1) An address in that behalf must have been presented to the King by each House of Parliament; and (2) Rulers of States representing not less than half the aggregate population of States and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber must have signified their desire to accede to the Federation.

When the Federation is established there will be a Federal Executive and a Federal Legislature. Two new institutions will be: a Federal Court and a Federal Railway Authority.

The Federal Executive

The Constitution Act vests in the Governor-General the executive power and authority, the extent of which is indicated by the Central or Federal subjects. But in relation to a State the executive authority of the Federation will extend to such matters as the Ruler has accepted as falling within the federal sphere by his Instrument of Accession.

There will be a Council of Ministers to aid and advise the Governor-General in the exercise of federal functions except those relating to ecclesiastical affairs, defence and foreign affairs. These latter are reserved subjects for which he may appoint counsellors, not exceeding three in number. These counsellors will be responsible to the Governor-General alone and will share none of the responsibility of the Federal Ministers to the Federal Legislature.

The Council of Ministers will consist of not more than 10 members who are to be chosen by the Governor-General and are to hold office during his pleasure. A Minister who for any period of six consecutive months is not a member of either chamber of the Federal Legislature shall, at the

expiration of that period, cease to be a Minister. Thus the Ministers shall be chosen from among the members of the Legislature to which they will be responsible for the proper administration of the Departments under them.

It will be seen that the Federal Executive will be a dyarchical, not a unitary government. The Governor-General's Ministers will have the right to tender advice to him on the administration of a part only of the affairs of the Federation, while the administration of the other part (reserved part) will remain the exclusive responsibility of the Governor-General. He will have two sets of advisers—Counsellors and Ministers, both of whom, it is expected, should resort to mutual consultation for the smooth conduct of the executive government.

The Governor-General

The Governor-General is appointed by His Majesty by a Commission under the Royal Sign Manual and exercises all such powers as are conferred on him by or under the Act and such other powers as His Majesty may be pleased to assign to him as his representative. To him will be issued an Instrument of Instructions containing directions as to the way in which his functions are to be exercised.

The Governor-General will himself direct and control the administration of the reserved Departments of Defence, External and Ecclesiastical Affairs. His responsibility for these will be to the Secretary of State and through him to Parliament. He will also have a special responsibility in respect of (*a*) the prevention of any grave menace to the peace or tranquillity of India or any part thereof; (*b*) the safeguarding of the financial stability and credit of the Federation; (*c*) the safeguarding of the legitimate interests of minorities; (*d*) the securing to the members of Public Services of any rights provided for them by the Constitution Act and safeguarding of their legitimate interests; (*e*) the

prevention of commercial discrimination ; and (*f*) the protection of the rights of any Indian State.

Special responsibilities require special powers, legislative and financial; and hence the Governor-General has been given the powers of issuing Ordinances and getting certain Bills passed or certain amounts of money appropriated. All that we have said about the Governor's special powers applies to the Governor-General. They need not be repeated; Section II of Chapter V may be consulted.

The Federal Legislature

The Federal Legislature is to consist of His Majesty represented by the Governor-General and two Chambers to be known respectively as the Council of State and the Federal Assembly.

(*a*) **The Council of State** : The Council of State is to be composed of 156 representatives of British India and not more than 104 representatives of the Indian States. Of the 156 seats, 150 are to be allocated to Governors' provinces, Chief Commissioners' provinces and communities. Six seats are to be filled by persons chosen by the Governor-General in his discretion. The 150 seats allotted to British India are to be filled by election on communal basis. Thus the Punjab is to send 16 representatives : 3 Hindus, 4 Sikhs, 8 Mohammadans and 1 woman. The 104 representatives of the States in the Council of State are to be appointed by the Rulers of the States concerned. From among the members a President is to be elected. The Council of State is to be a permanent body, not subject to dissolution, but, as near as may be, one-third of its members are to retire every third year.

(*b*) **The Federal Assembly** : The Federal Assembly is to consist of 250 representatives of British India and not more than 125 representatives of the Indian States. The latter seats are distributed among the States or groups of States

according to their population. Thus Mysore having a population of more than $6\frac{1}{2}$ millions will send 7 representatives while Patiala with a population of about $1\frac{1}{2}$ million will send 2 representatives.

The British Indian representatives are, in the main, to be elected by the Provincial Assemblies, and not by the primary voters from territorial constituencies. The majority of the seats are distributed on a communal basis. Thus 30 seats have been allotted to the Punjab of whom 6 would be Hindus, 6 Sikhs and 14 Mohammedans, and the remaining 4 would be European, Indian Christian, Landholder and women seats.

The Assembly, unless sooner dissolved, is to continue for 5 years from the date appointed for the first meeting. The President of the House elected from among its members will be called Speaker.

(*c*) **Law-making Powers of the Federal Legislature :** The remarks which have been made in connexion with the powers of the Provincial Legislatures within the provincial sphere apply generally to the Federal Legislature within the federal sphere, and the general restrictions are of the same nature. Thus the Federal Legislature will have exclusive power to legislate on central subjects and on such concurrent subjects as it may choose. Without the previous sanction of the Governor-General no Bill can be entertained which affects any Act of Parliament or any Governor-General's Act or Ordinance. Previous sanction will also be required for legislative proposals affecting any Reserved Department, the coinage and currency of the Federation, or the powers and duties of the Reserve Bank in relation to the management of currency and exchange.

Bills, other than financial Bills, may originate in either Chamber. When passed by the Chambers they are to be submitted to the Governor-General for sanction. He may

assent to or withhold his assent to, or reserve Bills for the signification of His Majesty's pleasure. Thus what has been said about the Governor applies to the Governor-General.

(*d*) **Financial Powers:** The Governor-General shall cause to be laid before both chambers an annual financial statement setting out the estimated receipts and expenditure of every year. As in the case of a Governor's province, so also in the case of the Federation there are certain items of expenditure which are charged upon the revenues of the Federation and as such they are non-votable. The other items of the Budget are votable. The non-votable items which come to about 80 per cent of the total expenditure, include the salaries and allowances of the Governor-General, Ministers and Counsellors, and judges of the Federal Court. Expenditure for the discharge of special responsibility, for the Reserved Department and for the Political Department (relations with Indian States) is also withdrawn from the jurisdiction of the Federal Legislature.

(*e*) **Control over the Executive:** Members of the Legislature will have the right of ventilating the grievances of the country and of criticising the actions of the Executive. But restrictions will be put on matters connected with any Indian or Foreign State, tribal and excluded areas and on matters in respect of which the Governor-General is authorised to act in his discretion.

Central Finance

The general remarks made about provincial finance apply to central or federal finance. At the centre also the Budget is and will be introduced before the beginning of each financial year. But at the centre there are two Budgets—General Budget and Railway Budget. The total estimate of revenue for 1936-37 is 122,77 lakhs.

The Railway Budget is a deficit Budget now-a-days, and under the coming constitution a separate Railway Authority

will be established for railway matters. The General Budget is a surplus Budget and for the current year (1936-37) the Government expects a surplus of a little more than 2 crores. The expected revenue for the year is put at 87 crores of rupees.

We will note now how the revenue of the Government of India is derived. The principal sources of income with the figures for 1936-37 are given here : Customs, about 55 crores ; Income-tax, about 16 crores ; Salt, about 9 crores ; Opium, 47 lakhs ; Currency and Mint, $1\frac{1}{4}$ crores ; Post and Telegrahs 82 lakhs. The principal heads of expenditure are : Defence services, more than 50 crores ; Civil Administration, more than 11 crores ; Debt services, more than 12 crores. Minor items of revenue and expenditure are not noted here.

In Chapter V it has been said that according to the Niemeyer Report the provinces are to receive financial assistance from the centre. The Report also recommends the distribution among the provinces of half of the income tax receipts. These make it necessary that the federal resources must expand and that the Railways should be able to contribute to the general revenues.

The federal sources of revenue will remain almost the same. The financial subjects included in the Central List are reproduced here : Customs ; excise on tobacco and other goods produced or manufactured in India except alcoholic liquors, opium, Indian hemp and other narcotic drugs, non-narcotic drugs, and medicinal and toilet preparations ; corporation tax ; salt ; taxes on income other than agricultural income ; taxes on the capital value of assets on individuals and companies ; duties in respect of succession to property other than agricultural land ; stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance ; terminal taxes on goods or passengers carried by railway or air ; taxes on railway fares and freights.

CHAPTER IX

CENTRAL SERVICES

Military Defence

It is the primary duty of every Government to maintain public peace, for without it every kind of progress would be stopped. A country's external frontiers must be protected from invasion and internal tranquillity must be preserved. For securing the first of these objects governments rely upon the military forces and for the latter purpose they employ the civil forces called police. Subject to the general control of the Government of India, the police is a provincial subject. So it is the duty of every provincial government to maintain peace within its area. The aid of the military may be called in when the local police is not able to suppress disorder.

The task of defending India devolves upon the Central Government for which purpose military, naval and air forces are maintained. On the efficiency of these forces depends the country's prosperity. We would now turn to a description of the frontiers of India and then to the strength of the military forces.

The land frontiers of India are about 6000 miles in length. For a country with such a long land frontier she is comparatively well sheltered. But access to India can be obtained through the defiles in the sheltering mountains.

In the north there are Nepal and Tibet and relations with them are at present friendly. Burma marches for about a thousand miles with Chinese territory, then for a hundred miles with French Indo-China and for six hundred miles with Siam. These States maintain large armies ; and though at

present there is no fear from them, yet the military problems of the north, north-east and east may in future assume considerable importance. But Burma being separated from India it would be the primary interest of that country to avert any danger from states like Indo-China and Siam.

It is to the north-west that the eyes of India are, as in times past, principally turned. "The North-West Frontier is still the solar plexus of the British power in Asia and the military problem of the frontier is rightly described as the frontier problem *par excellence* in the present circumstances." Through the gates on the North-West floods of invasions have poured into the plains of India ; and the security enjoyed under British rule does not put out of account the potential danger from that side—danger from the Afghans and Russians. The frontier between Canada and U. S. A. runs for 3000 miles, but it is not defended by a single fort or gun ; and there is no possibility of an armed conflict between the two neighbours. But the reverse is the case with India on the north-west. The result is that a large army has to be maintained and at an enormous cost ; and about one-third of the whole Indian army is stationed on that side.

The strength of the Regular Army is about 250,000 including 60,000 British troops, 150,000 Indian troops and 33,000 Reservists. For stationing the army Indian territory is divided in four Commands each under a General Officer Commanding-in-Chief. The Northern Command with its headquarters at Murree coincides roughly with the Punjab and North-Western Frontier Province; the Southern Command with headquarters at Poona, coincides roughly with Bombay, Madras, part of C. P. and Rajputana ; the Western Command whose headquarters are at Karachi, cover Sind and Baluchistan ; and the Eastern Command with headquarters at Naini Tal, takes charge of U. P., Bengal, Behar, Orissa and Assam.

The Indian State Forces, formerly designated Imperial Service Troops, consists of the military forces raised and maintained by the Rulers of Indian States at their own expense and for state service. In emergency, the troops are lent out to the Government of India, and the Government of India have on many occasions received military assistance of great value from this source. The actual strength of the state forces is at present 44,000.

The two general demands of Indian nationalism are self-government and self-defence. In connection with the latter it urges the Indianisation of the army both as a measure of economy and as a means of enabling the Indians to hold commissioned ranks. The Government have responded by deciding to Indianise in 1923, eight units of the Indian Army, and in 1932 a Division of all Arms and a Cavalry Brigade. Besides two Colleges have been opened at Dehra Dun—the Prince of Wales Royal Indian Military College and the Indian Military Academy. The first batch of officers passing out of the Academy received their commissions in 1935.

Two other forces may be mentioned. The Indian Territorial force which includes the University Training Corps units, is composed of Indians, officers and ranks. It is one of the aspects of the Indianisation of the military services. The other force is the Auxiliary Force which is open to European British subjects only. The A. F. and the I. T. F. constitute the non-regular military services in India. They are a second line to and a source of reinforcement for the regular Indian Army.

Educated Indians have expressed themselves with unabated earnestness in favour of an increasing share of responsibility for the defence of their country. This is natural and commendable. With self-government goes self-defence. The Simon Report points out that the problem of military defence

constitutes an obstacle in the way of self-government. The same Report lays stress on another defect. People of all parts of India are not of equal military efficiency ; and the parts have not developed a common sense of nationhood. The Punjab at present supplies 54 per cent of the total combatant troops in the Indian Army. Bengal and Assam have nothing to their credit. But the Indian politicians earnestly hope that with the development of greater unity and a more general sense of citizenship all parts of India would take an equal and legitimate share in the formation of an Indian National Army—an Army "drawn from India as a whole, in which every member will recognise the rest as his comrades, in which Indian officers will lead men who may be of different races, and in which public opinion will have confidence."

We have so far been speaking as if India needs no defence by sea. In fact her coast-line is about 5000 miles. But Britain's command over the sea makes India safe. For the same reason the naval defence costs her comparatively little. She contributes £100,000 towards the up-keep of the East Indies Squadron which is part of the Royal Navy. She also maintains the Royal Indian Marine which was formerly used only for transport and survey purposes. It is now recognised as one of the fighting forces of the Empire, and is renamed as Royal Indian Navy. A close connection is maintained between it and the East Indies Squadron.

There are Air Forces in India—the Royal Air Force and the Indian Air Force. Most of the forces are stationed at the north-western frontier.

The total military expenditure comes to 50 crores of rupees ; and it is a non-votable expenditure. Indian politicians hold that the burden is intolerable for a poor country like India. Military experts on the other hand argue that the defence

expenditure is regulated by the geographical factors and peculiar conditions of the country rather than by the property or wealth of its individual citizens.

Foreign Relations

The task of maintaining diplomatic relations and of settling occasional disputes with the States near about the border of India is handled by the Foreign Department of which the Governor-General himself holds the portfolio. Under the Federal constitution it will also be a subject reserved to the Governor-General. Defence and foreign policy are closely connected and hence both will be reserved subjects under the Federation.

The function of the Foreign Department includes the protection of the interest of the Indians who reside in the bordering states (*e.g.*, Afghanistan) and the appointment of Trade Agents and Consuls. Subjects of foreign states residing in India come under the care of this Department.

Communications

The chief means of communications are (*a*) Railways (*b*), Post, Telegraph and Telephone, and (*c*) Aviation and Wireless. These are central subjects with the exception of tramways and minor railways. The importance of the means of communication for the material development of the country is explained in Chapter XI where other details will be found. Here it may be noted that the maintenance of communications is a vital military necessity. Without it, information of disorder or invasion cannot be obtained and troops cannot be despatched with promptitude.

A few words may here be said about the management of Railways. There is a Member of the Governor-General's Council who is in charge of Railways and Commerce. He introduces the Railway Budget mentioned in the previous chapter, and exercises a general control over railway policy. But the

brunt of railway administration is borne by the Railway Board the most important members of which are the Chief Commissioner and the Financial Commissioner. The Board is at present the direct controlling authority of all railways in India.

Under the coming constitution there will also be a Minister who will be responsible for Transport and Communications; and the Act of 1935 (Sections 181—199) has much to say about the Federal Railway Authority which will take the place of the Railway Board. It will be the executive authority of the Federation in respect of the regulation, construction and operation of railways. There will also be a Railway Tribunal to decide disputes, as, for instance, a dispute between the Authority and a Native State owning a railway, in regard to the fixation of rates or construction of new lines. The Tribunal will consist of three members including the President who will be appointed by the Governor-General from among the judges of the Federal Court.

Currency and Coinage

It is needless to dwell on the importance of currency and credit in a modern State. Modern life makes it impossible to revert to the old system of barter. Coins have to be issued; and their forging made penal. It is also easy to understand why the matter cannot be left to the provinces. Uniformity in this respect is most essential; and a central authority obeyed throughout the country should have sole control over the currency.

The Indian currency is entirely in the hands of the Government of India working under the direction of the Secretary of State for India. There is no gold currency in India and the Royal Mints issue silver coins of the face value of Re. 1 and 8 annas; nickel coins of 4 annas, 2 annas, and 1 anna; and bronze coins of 1 pice, ½ pice and 1 pie. Legally one

rupee is worth one shilling and six pence but as the price of silver in the term of gold has greatly gone down the Government makes a great profit out of the coinage. The profits of the coinage are invested in the Gold Standard Reserve with a view to maintain the exchange rate of the rupee in the international market. Besides the metallic coins Government issues Paper Currency of the value of Rs. 5 and upwards. Against the issue of these notes they keep sufficient quantities of gold and silver and gilt-edged securities. The facilities for banking not being adequate, the Government have to issue a large number of coins and currency notes. Cheques and bills of exchange are known mainly in the commercially advanced towns. The credit system is not properly organised. If a payment is made by cheque to a man in a village he will be in a difficulty to cash it. Even the currency notes of high value are not much in use.

For some time past it has been felt desirable that the exchange and currency of India should be entrusted to a central bank which would also control the credit mechanism of the country. To give effect to the need the Indian Legislature passed in 1934 the Reserve Bank Act. It is the business of the bank to regulate the issue of bank notes and the keeping of reserves with a view to securing monetary stability in British India and generally to operate the currency and credit system of the country to its advantage. The currency and credit are now managed by the Governor-General-in-Council; this function will be taken over by the Reserve Bank. But the Governor-General will act in his discretion in appointing the Governor and Deputy Governor of the Bank, and if necessary in superseding the Central Board of the Bank and in taking any action consequent thereon.

The Federal Court

In a federation the constituent units are autonomous in their defined sphere. Hence a province or a Federated State would

resent any encroachment on its sphere by the Federal Government. Disputes may also arise between constituent units. Disputes usually involve the interpretation of the Constitution Act. It is primarily for the interpretation of the constitution and the determination of any rights or obligations arising thereunder that a Federal Court is essential in a Federal Constitution. And in India such a court will be established after the inauguration of Provincial Autonomy.

The Federal Court will ordinarily have its seat at Delhi. It will consist of a Chief Justice and two other Judges for the present.

As noted above the Federal Court will be the interpreter and guardian of the constitution. It will, in addition, be the highest court of appeal in India in certain civil cases coming to it by way of appeals from the High Courts in British India or Federated States.

CHAPTER X

INDIA AND ENGLAND

The British Parliament

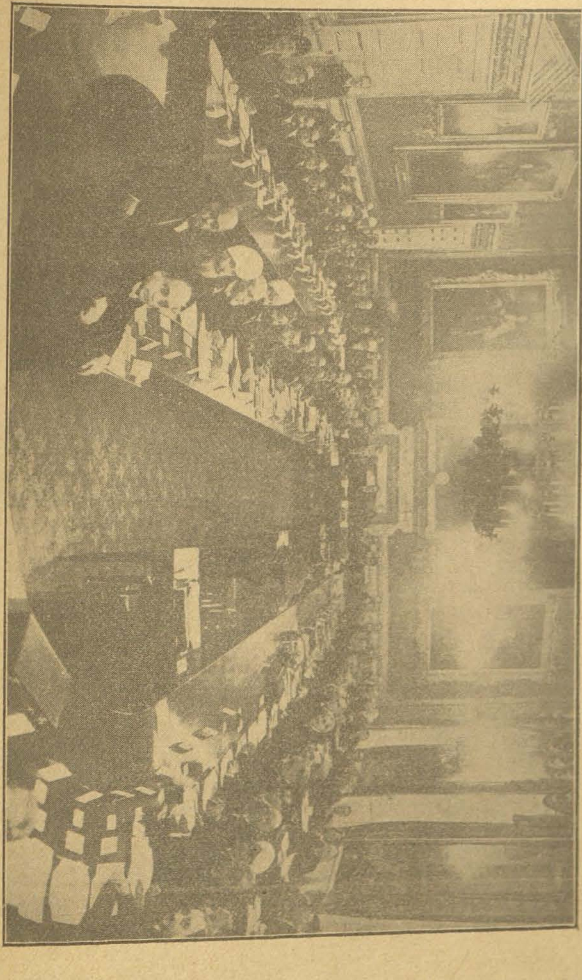
In the preamble of the Government of India Act of 1919 it is clearly stated that upon Parliament rests the responsibility for the welfare and advancement of the Indian peoples, and that it is the Parliament alone which can determine the time and measure of each constitutional advance that India should make. Thus Parliament can make any changes in the present constitution of India. It can pass or amend or alter any law affecting India. The laws and statutes become operative on receipt of the Royal Assent. Thus the King-in-Parliament is the highest authority for India. This is expressed by saying that the sovereignty of India resides in the King-in-Parliament.

It must not be supposed that Parliament whimsically makes or alters laws for India. This is done after due deliberation. It usually passes Acts fixing the constitution for India and seldom passes any legislation affecting the internal affairs. This is because it controls and can control Indian affairs through the Secretary of State for India. The responsibility which Parliament possesses is discharged through the Secretary of State. This official is invested with large powers of superintendence and control ; and by making him responsible to Parliament, the supervision of that body is secured.

The Secretary of State for India

The office was first created in 1858 when India was taken over from the East India Company and placed under the

FORGING INDIA'S CONSTITUTION



THE FIRST ROUND TABLE CONFERENCE
AT ST. JAMES PALACE, LONDON

Crown He is a minister of the Crown, is a member of the British Cabinet and belongs to the party which commands a majority in the House of Commons. He is the constitutional adviser of the Crown in all matters concerning India. He is assisted by two Under-Secretaries, one of whom is a permanent official and the other a member of Parliament. The Parliamentary Under-Secretary usually belongs to the House of which the Secretary is not a member. By this arrangement there is a spokesman in each of the two Houses. The Secretary of State and the Parliamentary Under-Secretary change with each change of Ministry.

Formerly the salary of the Secretary was paid out of the Indian revenues but now it is paid from the British Exchequer. This is calculated to make the Secretary of State responsible to the British Parliament. In Parliament questions regarding India might be asked, discussions might be promoted and resolutions moved. The Indian Budget and a report of the moral and material progress of India are presented to Parliament every year.

The Secretary of State and his Council

The Secretary of State is assisted by a Council known as the Council of India. It is to contain not less than 8 and not more than 12 members. They are appointed by the Secretary for 5 years, and half of them must be persons who have served or resided in India for at least 10 years. A member can be removed from his position before the expiry of the term, by His Majesty on an address of both Houses of Parliament. A member can be re-appointed by the Secretary for a further period of 5 years. There are at present 10 members of whom 3 are Indians. The annual salary of members is £1200 ; members of Indian domicile receive an extra allowance of £600. The members of the Council cannot be members of Parliament.

The Secretary of State has two Under-Secretaries—one Permanent and another Parliamentary. The secretariat of the Secretary of State is called the India Office. The salaries of the Secretary of State and the Parliamentary Under-Secretary (£5000 and £1500 respectively) are paid out of money provided for by Parliament and a grant-in-aid in respect of the India Office is also made from the British Treasury. The rest is borne by India.

The Secretary of State is the President of the India Council. He appoints a Vice-President who presides in his absence. In actual working the Council is divided into committees corresponding as nearly as possible to the departments which are (*i*) Finance, (*ii*) Military, (*iii*) Judicial and Public, (*iv*) Revenue and Statistics, (*v*) Political and Secret, and (*vi*) Public Works.

Doubtful questions are discussed at meetings of these committees ; and the full Council usually registers its approval without debate. The statute says that meetings of the India Council shall be convened as and when the Secretary of State directs, but one such meeting at least shall be held in every month.

At meetings of the Council questions are decided by a majority vote, but the Secretary of State may, if he thinks fit, over-rule the Council, except in certain matters for the decision of which a majority of the Council present and voting is required. These matters are :—(*i*) grants or appropriations of any part of the revenues of India—in effect, the expenditure of Indian revenues, (*ii*) purchase, sale or mortgage of property, and (*iii*) making rules and regulations regarding services in India with a view to regulating the conditions under which the important officials serve. The object of this provision is to give additional security to the revenues of India against possible misuse and to guard the

rights and interests of members of the Civil Service who have been recruited through the India Office. Outside the field covered by these matters, "the Secretary of State has power to direct the manner in which the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction is treated as being an order of the Secretary of State-in-Council." This will give an idea of the character of the Council of India and of the range of the Secretary of State's powers. He is accountable to the Cabinet and to Parliament; and it is not considered desirable that he should be hampered in the discharge of his responsibility by the Council. His being a member of the Cabinet, his monopoly of information, his power of appointing members of Council, his ability to act independently of his Council (except in certain matters) and his control over the Government of India make him a minister of first-rate importance and dignity, and justify the title of the Great Mughal of the India Office.

India and the Secretary of State

By statute the Secretary of State for India is authorised to superintend, direct and control all acts, operations and concerns which relate to the Government or revenues of India; and the Governor-General-in-Council is required to pay due obedience to all such orders as he may receive from the Secretary of State; and through the Governor-General control is maintained over the Provincial Governments. The Secretary of State is practically the final link in the administrative chain. He is invested with extensive powers. But whatever control he keeps, he keeps in the name of Parliament. So far about his powers in general. We now pass to their limitations.

A section of the Government of India Act of 1919 says that the Secretary of State-in-Council may by rules regulate

and restrict the exercise of the powers of superintendence, direction and control vested in the Secretary of State in Council. This restriction has become necessary because responsibility for certain subjects has been transferred to representative bodies in India. Hence in regard to the transferred subjects the interference of the Secretary of State and the Governor-General-in-Council has been in practice restricted to the narrowest possible limits. The extent to which the control of the Governor-General-in-Council has been restricted in reference to the transferred subjects has been noted in the preceding chapter. It may be noted now that in relation to the transferred subjects the control of the Secretary of State can be exercised for certain purposes only, *viz.*, to keep unimpaired his own powers and duties, to safe-guard central subjects and Imperial interests and to decide questions arising between two provinces which have failed to agree.

In regard to the reserved and central subjects any reduction of control has been considered undesirable. So in theory the control is strict. But India is 6000 miles away from England; and though the Secretary of State and the Governor-General are in constant communication by letter and by cable, it is not always possible to exercise control over all matters. Moreover frequent interference runs counter to the spirit underlying the Reforms of 1919. Hence in effect some delegation of the authority of the Secretary of State and of the Secretary of State-in-Council is unavoidable. Generally speaking, in regard to votable items of expenditure and in regard to measures on which the Governor and the Local Legislature or the Governor-General and the Indian Legislature are in agreement, their joint decision should ordinarily be allowed to prevail. All this is subject to the paramount considerations of Imperial policy and to the Secretary of State's accountability to Parliament for the peace, order and good government of India.

The New Constitution

The coming constitution described in previous chapters introduces responsible government. Under a system of responsible government the Secretary of State in Council cannot continue on the present basis. When powers are transferred to Indian Ministers responsible to Legislatures in India the control from above will have to be relaxed. On the inauguration of the new constitution the Secretary of State-in-Council as a statutory corporation will disappear. In place of the Council he will have a small body of advisers composed of not less than three and not more than six persons. Two at least of them should have held office for at least 10 years under the Crown in India. The Secretary of State will be free to seek their advice, either individually or collectively, on any matter as he may think fit, but will not be bound to do so save in one respect, *viz.*, Public Services. It is said that "so long as the Secretary of State remains the authority charged with the control of any members of the Public Services in India he must lay before his advisers and obtain concurrence of a majority of them to the draft of any rules which he proposes to make under the Constitution Act for the purpose of regulating conditions of service, and any order which he proposes to make upon an appeal to him from any member of the Service, which he controls."

The High Commissioner for India

The Government of India Act of 1919 provides for the appointment of a High Commissioner for India. He has since been appointed.

The Dominions (like Canada and Australia) maintain such officers in England. So it was thought that the step would commend itself to all classes of opinion in India as making a stage towards full Dominion status.

The agency and commercial transactions of the India Office have been separated from the political and administra-

tive functions and have been handed over to the High Commissioner for India. He is appointed by the Governor-General-in-Council; he holds office for five years and is eligible for re-appointment. His salary of £3000 a year is payable out of the revenues of India. His work includes at present the purchase of stores, payment of pensions and care of Indian students abroad.

Under the new Constitution Act it will be constitutionally more appropriate that there should be a High Commissioner in London to perform the agency functions on behalf of the Federal as well as the Provincial Governments. The Federated States might find it useful to employ the agency of the High Commissioner for some purposes.

The Judicial Committee of the Privy Council

We have noted above the machinery of administration at Whitehall and the political relations between Britain and India. We may complete our account of the relations between the two countries by noting the Judicial Committee of the Privy Council which hears appeals, civil and criminal, from India. Four members would constitute the Court; and usually when appeals from India are heard there are included two men who have held the highest judicial post in India. With leave of the highest provincial court appeals are made to the Committee. The Crown has the prerogative to give special leave to appeal. In civil suits the value of the disputed property should be Rs. 10,000 and above. Usually appeals in criminal cases are discountenanced by the Committee. Educated Indians have strongly expressed themselves in favour of the establishment of a Supreme Court of Appeal in India to hear appeals from the provinces. The carrying of appeals to England involves a good deal of unavoidable expense and inconvenience.

The appeal to the Privy Council is preserved under the Act of 1935. An appeal shall lie without leave in any matter involving the interpretation of the Constitution Act, but in any other case only by the leave of the Federal Court or of His Majesty in Council. The jurisdiction of the Privy Council in regard to the States will be based upon the voluntary act of the Rulers themselves, *i.e.*, their Instruments of Accession.

CHAPTER XI

MATERIAL DEVELOPMENT UNDER THE CROWN

Benefits of British Rule

It is proposed in this chapter to indicate the main lines of development which have conduced to the material prosperity of the country. Marked improvement has been effected during the last 70 years. When after the Mutiny the Crown took over charge of India the work of subjugation was complete, and attention consequently could be directed to the economic and administrative problems of the country. Since then the industrial and commercial progress has been almost steady and continuous; and to-day India is regarded as one of the eight states of chief industrial importance in the world; and Indian workers in industries, mines and transport outnumber the entire population of Spain.

Peace is the condition precedent of material development; and the value of the peace (*Pax Britannica*) which British rule has secured should not be underrated. Its long enjoyment is apt to efface from folk memory the endless distress and sufferings caused in the past by the periodic invasions and dynastic revolutions. Since the establishment of the British Rule the danger of invasion has been eliminated, the country has enjoyed almost uninterrupted tranquillity and the people have been assured of the fruits of their labour and of the strength of the Government to protect them. This has in no mean degee contributed to material progress.

Great Britain has united the whole of India under one rule; she has maintained tranquillity and has created a just administration and an upright judiciary. No less a boon is the

English language. It has furnished a common medium of conversation and intercourse in a land where some 225 languages are spoken. It has enabled Indians to know the scientific ideas and achievements of the west.

Communications and Transport

Communications and material prosperity are intimately connected. Railways, roads and water-ways by facilitating communication between different parts contribute not only to closer unity but also to the greater strength and resisting power of India's economic life. New markets are opened, new opportunities and prospects are afforded, and the peoples are brought into closer contact with one another. The value of communications is not merely economic; but in a country like India whose peoples are now being welded into one nation, they are helping in the process of nation-building.

The means of communication in India were comparatively defective till as late as the middle of the 19th century. The railways were unknown and the few trunk roads constructed by Indian rulers were inadequate even for the very moderate needs of the country in those days. A veritable social and economic revolution has, however, been wrought by the modern improvements in communication and transport dating from the time of Dalhousie. We may conveniently treat the subject under: (*a*) Railways (*b*) Roads (*c*) Water-ways and (*d*) Posts and Telegraphs. We would conclude with a few remarks on (*e*) aviation and wireless.

(*a*) **Railways.** Railways are at present far and away the most important part of India's system of communication and transport. Here and there between two big towns the motor car or the æroplane might threaten their predominance; but for some time to come the railways will remain the master factor in the Indian system of transport and communication.

The first proposal for the construction of railways was made in 1844. But the plan did not mature till 1854. At the beginning of our period there were but a bare few miles of railways. Their military need was felt during the Mutiny, and their economic value in the famines. The Famine Commission of 1880 held that at least 5000 miles of railways were urgently needed and the country could not be held safe from famine till the mileage had aggregated to 25,000. The Government took to railway construction in right earnest and also invited English Companies and guaranteed interest to them. A fresh impetus was given when the railway began to earn profits from the year 1900. Henceforth, as a writer puts it, the Railways changed from a suckling babe to a milch cow. The following table shows the rapid increase :—

Year	No. of Miles	Passenger traffic in 1000	Goods traffic in 1000 tons.
1856 ...	300	...	...
1872 ...	5,369	...	...
1898 ...	21,993	151,566	35,642
1913-14 ...	34,656	457,718	82,613
1928-29 ...	40,950	620,101	90,835
1933-34 ...	43,000	489,613	...

As a result of the rapid extension the country has advanced economically. But it is generally held that further increase to a considerable extent is essential. The Mackay Committee of 1908 remarked that even an estimate of 100,000 miles of railways was far too short of what would ultimately be found necessary in India. But on the whole the progress under railways has been marked; and the country has been linked up by a net-work of railways.

(*b*) **Roads.** The inadequacy of the road system was felt with the increasing construction of railways which need roads to feed them. The result is reflected in a considerable activity in road building. The Grand Trunk Road which runs from Calcutta to Peshawar is famous. Good metalled roads have

been driven through the plains and hills of every part of India, and thousands of miles of serviceable *Kachha* or non-metalled roads and useful bridle tracks have been made. The extent of expansion is a measure of their economic value. The present total mileage of about 264,000 of metalled and non-metalled roads may be regarded as meagre considering the total dimensions of the country. The Government have realised the importance of the question and recently appointed a Road Development Committee from which something good is expected by way of road development.

(*c*) **Water Transport.** In the carriage of bulky commodities water transport has some special advantages over road and rail transport. But except in Burma and in parts of Assam and Bengal, there is comparatively little transport by river or navigable canal anywhere in this country. But in explanation of the subject it may be said that it falls under two heads: (*i*) inland waterways, and (*ii*) marine transport, both of which are in a backward state. Due to recent agitation there is a proposal on foot for forming a Water Ways Trust which should receive the careful attention of the Government. Regarding marine transport it may be remarked that "once the teakwood vessels of Bombay were considered greatly superior to the oaken walls of England." The introduction of iron-built ships, however, has deprived India of her differential advantage in respect of timber. The decay of maritime transport means the loss of a highly remunerative branch of business. There is great need for the mercantile marine in India.

(*d*) **Posts, Telegraphs and Telephone.** The Posts and Telegraphs Department is managed by a Director-General who works in subordination to the Government of India in the Department of Industries and Labour. Besides providing the Indian public with easy and rapid means of intercourse the Posts and Telegraphs Department performs other services.

It acts as the banker and agent of the people enabling them to deposit their savings and to do their shopping from all distances; it collects customs charges on dutiable articles coming to India by post; it insures the lives of Government employees (Postal Insurance). In malaria-stricken areas the post offices sell quinine to the people.

For proper management India is divided into Circles, postal and telegraphic. A postal circle is usually co-extensive with a province and is under a Post Master General. In each provincial capital there is a General Post Office, and in each district town a Head Post Office with sub-offices and branch offices under it. The branch post offices serve the rural areas. Some statistics are noted in order to give an idea of the magnitude of business done by the Posts and Telegraphs Department. At the close of 1934-35 there were 1,04,205 postal officials and 23,700 post offices. During the year 1,144 million articles were posted; stamps worth Rs. 67·8 millions were sold for postal purposes; and over 38·8 million money orders of the total value of Rs. 778 millions were issued; there were over 3 million Savings Bank Accounts with a total balance of Rs. 583 millions. Equally big are the figures for telegraph. During the last 40 years the mileage of lines has increased from 50,000 to 107,556; and in 1935 some 17 million paid messages were sent. The Department of Post and Telegraph is run at a loss to the Government. In former years the loss amounted to something like 60 lakhs of rupees. In 1935-36, however, there was a net gain of about 4 lakhs; the Budget estimate of the current year shows that there will be a loss.

In 1930 the number of telephone exchanges was 291 with 18,786 straight line connections and 3,024 extension telephones. Long distance trunk service has been opened to the public since 1927, so that a person in Calcutta might speak on the phone to a person in Delhi.

(*e*) **Wireless and Aviation.** These two marvels of the 20th century have been introduced in India. Each of the two means of communication is under a Director. In 1933 the total number of Departmental Wireless stations was 34, at Allahabad, Calcutta, Delhi, Bombay, Nagpur, Peshawar and at other places. There are some direction-finding stations which give to the captain of a ship or the pilot of an æroplane his direction along a given line or on another line.

Civil aviation is under the control, as noted above, of the Director of Civil Aviation whose department comes under the Member of Industries and Labour of the Government of India. It will be some time before civil aviation will be counted as a factor of Indian communications. But in view of its short history, the progress is encouraging. The Imperial Airways Service between Croydon (London) and Karachi carries mails from and for Europe. The Trans-India service extends from Karachi to Calcutta with the feeder services Karachi – Lahore and Karachi – Bombay – Madras. The Himalyan Airways cater for pilgrims as well as for toursists. The mileage of air routes in India for 1935 totals 6395. The mail and passenger traffic has also strikingly improved.

Clubs have been started in India for giving instruction in aviation. There are eight such clubs. Above them there is the Aero Club which acts as a coördinating body for these clubs and which takes up with the Government points of interest for them all. There is a centre at New Delhi for training æronautical engineers. Air navigation is regulated by an Aircraft Act passed by the Indian Legislature in 1934.

Agriculture and Irrigation

The importance of agriculture to India cannot be exaggerated. It forms the basis on which most Indian industries depend; from it three persons out of every four gain their

living directly. For long, however, nothing was done in the sphere. The Famine Commission of 1866 proposed a separate department of agriculture. The Famine Commission of 1880 by their masterly review of the agricultural possibilities revived interest in the matter. The Department of Agriculture existed for long only to collect statistics. It was Lord Curzon (1899-1905) who re-organised it and tried to make it of practical use to the people. Since his time the progress has been continuous. Agriculture is now a provincial subject, but the Government of India retains responsibility for the central research institution and for certain matters connected with the diseases of plants and animals. Agriculture is thus the concern of both the Central and Provincial Governments. The net annual expenditure of the latter exceeds 105 lakhs of rupees, while that of the former is in the neighbourhood of 11 lakhs. There is the Imperial Research Institute *whose Director advises both the Central and Provincial governments on problems of agriculture. An Imperial Council of Agricultural Research too has been constituted in accordance with the recommendation of the Agricultural Commission (1926-28).† There are Agricultural Colleges in most of the provinces as for instance, at Lyallpur, Poona and Nagpur. In the Punjab, Agriculture is a subject of study for the Matriculation Examination. The object of all this is to produce educated farmers who are likely to raise the level of tillage methods.

The Government has not stopped at establishing institutes of study and research. Demonstrations of new methods of cultivation and improved implements and manuring are exhibited to the people. Thus the results of the application of science to agriculture are brought into the village from

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* After the Behar earthquake it has been shifted from Pusa to a site near Delhi.

† The primary function of the Council is to promote, guide and co-ordinate agricultural, including veterinary, research in India.

the class room and research centre. Pecuniary help is also given when needed.

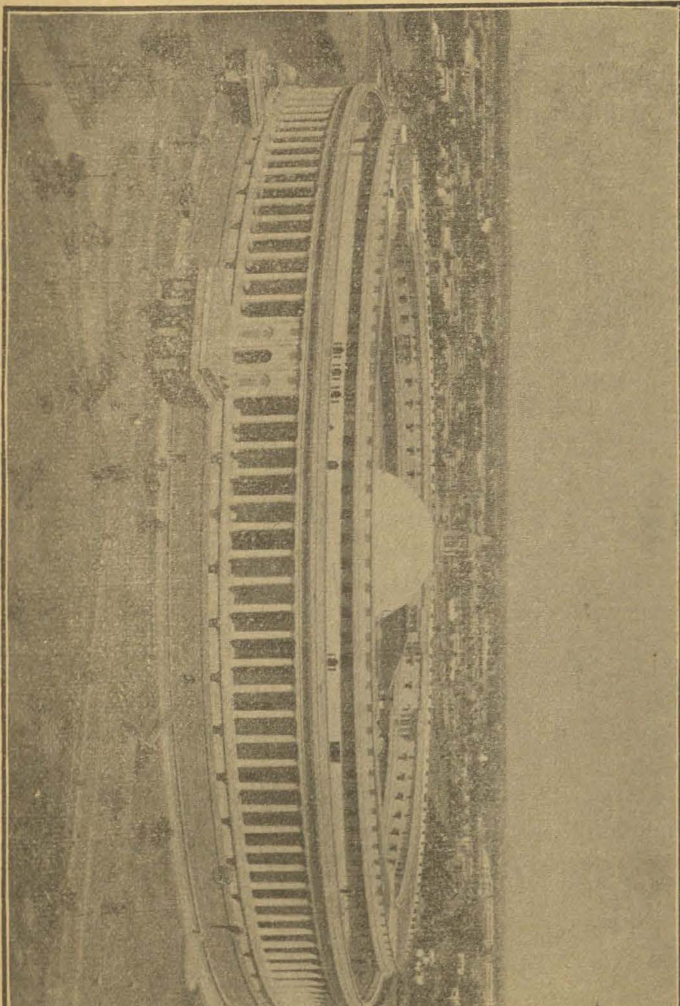
The result is that agriculture has undergone a great change during the last 25 years. Increasing tracts of land have been brought under cultivation. Intensive cultivation, and better manuring and seeding are resorted to. The agriculturist is using new implements and tools increasingly.

The principal crops of India are rice, wheat, jute, sugarcane, tea and coffee; other crops include groundnut, linseed, rape and mustard and sesamum. The total area actually sown comes to more than 228 million acres in British India, and the current fallow and the culturable waste make a total of 203 million acres. The following table gives the yield and area of the principal crops as well as the increase during 30 years :

Crop	Yield (millions) 1901-2	Yield (millions) 1933-34
Rice (tons) ...	19·21	30.9
Wheat (tons) ...	6·09	9·4
Cotton (bales 400 lbs) ...	3·56	5·0
Jute (bales of 400 lbs) ...	7·43	8·0
Raw sugar (tons) ...	2·02	4.9
Tea (lbs) ...	191·30	434·0
Coffee (lbs) ...	15·57	34
Ground-nut (tons) ...	·06	3330 (1000 tons)
Rape and mustard (tons) ...	·95	957 (1000 tons)
Linseed (tons) ...	·35	379 (1000 tons)

In passing we may note Forests and their utility. They constitute a national asset. Apart from their indirect use in moderating climate and in regulating water-supply, they produce timber and firewood and furnish the raw material for various industries, such as paper. Assam, Burma and Coorg claim the largest areas of forest : and the total area in British India including Burma is 245,831 square miles.

INDIA'S PARLIAMENT HOUSE



LEGISLATIVE CHAMBERS AT DELHI

(By Courtesy of the "Statesman.")

Great progress has been made in irrigation. It is essential for stable agriculture. In the absence of it, crops depend upon the vagaries of the rainfall. Moreover in some parts rainfall is normally too scanty for cultivation, as in Sind, Rajputana and south-west Punjab.

Unfortunately in the beginning the Government paid more attention to railways than to irrigation. But the mistake has now been fully rectified. 10·5 million acres were irrigated by the Government works in 1878-9; 19·25 million acres in 1901·2; 28·33 million acres in 1922-3; and 28·2 million acres in 1926-27. In 1927-28 the total area irrigated from all sources (Government and private, canals, wells and tanks) amounted to 46 million acres.

Apart from fulfilling the purpose for which they are intended, some of the plans for irrigation are marvels of engineering skill. The Sukkur Barrage (which irrigates 6 million acres), the Mandi Hydro-electric scheme and the Bhakhra dams may be cited as examples.

Irrigation plays a considerable part in the rural economy of some of the provinces but not in all. The percentage of the area irrigated to the area sown is 73·7 in Sind, 44·1 in the Punjab, 34·4 in the N.-W. F. P., and 29·7 in Madras. But it is 4·2 for C. P. and Berar and 6·2 for Bengal.

But taking the country as a whole the effect of irrigation is visible in the increased tracts of land which have been brought under cultivation and in the rise of a class of substantial farmers. The growing deposits in the Post Office Savings Banks, in the Co-operative Credit Societies and in the Joint-Stock Banks are ultimately traceable to irrigation.

Industry and Trade

It is not true to say that Nature has destined India to be an agricultural country. As the Industrial Commission

remarked: "At a time when Europe, the birth-place of modern industrial system, was inhabited by uncivilized tribes, India was famous for the artistic skill of her craftsmen." But on account of many circumstances, India's art and industry decayed in course of time.

Up to 1914 Indian industries were but poorly developed ; perhaps the only organised industries were those of cotton and jute. It was realised during the war (1914-18) that India would have rendered greater service had she been industrially developed. In 1916 an Industrial Commission was appointed to examine the possibilities of further industrial development in India, with liberty to discuss the direct participation of Government in the same. The Commission found India rich in raw materials and in industrial possibilities, but poor in manufacturing accomplishment. It recommended that the Government should play an active part in the industrial development of the country and that imperial and provincial departments of Industries and Industrial and Chemical Services should be created.

A period of great prosperity followed for the manufacturing and exporting industries such as cotton, jute, iron and steel, manganese, oilseeds and hides and skins. But the post-war boom soon ran its course ; and the great concerns began to decay for want of protection. Then came the Fiscal Commission (1921) which besides other things recommended the establishment of a Tariff Board for consideration of the claims of protection to the infant industries of India. The claims of protection have been granted to iron and steel, cotton, leather, cement and paper. The fact to be noted is that positive indifference and *laissez faire* on the part of the Government have in recent years been replaced by positive efforts to help the industrial development on sound lines. Due to state-help and to the grand enterprise on the part of the Tatas, Currimbhoys and Birlas, much success has been

achieved. There are about 8000 industrial concerns employing about 16 lakhs of persons of whom textiles alone claim $7\frac{1}{2}$ lakhs. Yet much remains to be achieved. And there are many obstacles in the way; capital is shy, labour is inefficient and industrial and technical education is defective. With these general remarks we pass to a survey of the chief industries of the country.

The Cotton Mill Industry began with the starting of a mill in Bombay in 1854. The number of mills rose to 51 in 1877; to 193 in 1900; to 271 in 1914; and to 336 in 1927. During these 50 years the average number of hands employed has trebled. The following table of *products given in million yards* will bring out the progress made by Indian cotton industry; the import and export are noted in order to show the contrast and to give an idea of the needs of the country :—

	1899-1900	1913-14	1929-30
Indian Mill Production ...	419	1164	2420
Total Indian Production ...	1303	2232	4090
Export of Indian goods ...	112	130	133
Import of foreign goods ...	2191	3197	1910

Jute is the monopoly of India. It is produced in Bengal, Assam and Behar and Orissa. Though the area under cultivation is relatively small (see above), yet it contributes 26 p. c. of the export trade of the country. The number of jute mills in 1879 was 21; in 1914, 73; and in 1931, 103.

Iron and steel industry is one of the most important of the basic industries of a country. Its history in India begins with the Barakar Iron Works started in 1875. The Tata Iron and Steel Company at Jamshedpur was formed in 1907. During the last 30 years the total production of pig iron increased from 35,000 tons to 1,109,000 tons. In addition to this home production India imports foreign iron and steel to the extent of more than 800 thousand tons.

Coal is found in Bengal, Behar, C. P. and Hyderabad. The first coal mine was worked in 1820. The total output was 1,019,793 tons in 1880; in 1929 it was more than 23 million tons. The importance of coal in modern industries is easily understandable.

Petroleum is supplied mainly from Burma and Assam, and in a minor degree from the Punjab. The quantity produced in 1888 was about 3 million gallons whereas in 1930 it was more than 311 million gallons.

Modern history of India's trade begins with the opening of the Suez Canal in 1869 which facilitated intercourse with Europe. There has since been a rapid and steady growth in the volume of the export and import trade as the statistics show :—

	Imports in lakhs of rupees	Exports in lakhs of rupees	Total in lakhs of rupees
1864-5	... 31,70	55,86	87,56
1894-5	... 73,67	1,07,53	1,81,20
1924-5	...2,53,37	4,00,24	6,53,61
1928-9	...2,63,40	3,39,15	6,02,55
1933-4	...1,15,20	1,49,73	2,64,93

The trade has increased seven times during the last 65 years or so. .The principal articles of import are manufactured cotton and woollen cloth, metals and machinery, hardware, sugar, oil, liquors, chemicals and medicines; the exports of Indian merchandise consist of jute, cotton (raw and manufactured), grain, pulse and flour, seeds, tea and coffee, hides, skins and leather, lac, rubber, wood, spices and opium. There are certain general characteristics which may be noted: (1) The bulk of exports from India consists of food-stuffs and raw materials whereas the bulk of imports consists of manufactured articles; (2) Exports always exceed imports; (3) the United Kingdom figures very largely in

the trade, but recently Japan, U. S. A., Germany and Italy have entered the field with a strong front.

Regarding the inland trade of India it may be said that there is a large scope for its extension. This evidently depends upon the improvement in the means of communication and transport, and upon the development of the economic resources of the country. The available statistics seem to indicate that the total domestic trade of India may be valued at Rs. 2,500 crores.

Education

The history of education begins from the time of Warren Hastings (1772-84) when colleges were established for the promotion of oriental learning. As the British Power established itself, the duty to provide for the moral and intellectual improvement of the people was recognised. The Charter Act of 1813 provided that not less than a lakh of rupees should be set apart annually for the purpose. The question which awaited decision was how far the state funds should be employed in encouraging the study of English as against Eastern learning. The English missionaries as well as some of the advanced Indians pressed for occidental education ; the Directors supported it ; and the Anglo-Indian administrators saw the need of raising a class of Indians fitted for civil employment for which knowledge of English was necessary. Ultimately education on Western lines through the medium of English was decided upon in the time of Lord William Bentinck (1828-35).

The next landmark in the history of education is Sir Charles Wood's Despatch of 1854. Sir Charles (afterward Lord Halifax) was then the President of the Board of Control. The Despatch enjoined religious neutrality to be observed in educational matters ; it constituted the Depart-

ment of Public Instruction which is now the common feature of every major province; it suggested the establishment of Universities which were soon established; and it initiated the policy of grants-in-aid to private institutions. Thus the Despatch organised the educational system on its present lines. Lord Curzon paid a good deal of attention to the subject with a view to raise the standard of education all round and particularly of higher education and to convert the Universities gradually from being mere examining boards in teaching bodies. So the Universities Act was passed in 1904. Most of the Universities have since undertaken teaching functions. Some are both teaching and residential universities *e.g.*, that at Dacca. There are at present 18 Universities including those in Mysore and Hyderabad.

Education is now a provincial subject under a Minister. At the centre, as already explained, there is a Member who holds the *portfolio* of Education—a *portfolio* created in 1910. To the Government of India are still reserved matters relating to the Universities of Benares, Aligarh and Delhi. They are also in charge of the Chiefs' Colleges, of the Military Colleges at Dehra Dun and of research institutes as at Delhi and Kasauli. Lastly, they direct the educational policy of the whole of British India.

A few other aspects have to be noted: growth of education, female, primary and technical education, defects of the Indian system of education and value of education in general.

An idea of the *expansion of education* may be formed from some statistics. In 1881-2 there were in all 95,566 institutions containing 2,979,904 pupils. In 1929 the number of institutions of all sorts in India rose to 258,016, and the scholars to 12,165,839, of whom 2,032,388 were females. The percentage of total scholars to population is—male 7.89 p.c. and female 1.78 p.c. The percentages are adversely affected by the existence of a large number of aboriginals and hill

tribes as well as by the educational backwardness of the depressed classes.

Small has been the progress in the direction of *female literacy*. The percentage of female scholars to the female population is 9. But this does not indicate female literacy, for many girls leave off from the lower primary stage and soon relapse into illiteracy. Education of the girl is the education of the mother. It will be thus seen how much social and political progress depends on female education. Recently the stimulus has come from the women themselves. That is a very healthy sign. But the inertia of conservatism and prejudice reinforced by the purdah system and the custom of early marriage and the lack of qualified teachers are some of the obstacles to rapid expansion.

The next defect is the deficiency in primary and technical education. *The elementary and vernacular education* is mainly entrusted to local boards and municipalities. There are govenment grants as well. Most of the major provinces have passed Primary Education Acts—that of the Punjab was passed in 1919. Compulsion has been introduced in 138 urban areas and in 2962 rural areas. The Punjab finds a prominent place: in 1929 there were 57 urban areas and 2351 rural areas in which compulsion had been introduced. In 1929 there were in all 2,01,688 recognised primary schools containing 9,013,591 scholars. Here again there is much wastage: for many children do not go beyond the lowest classes and readily relapse into illiteracy when they forsake the school to tend the flocks and herds. The illiteracy of the masses is one of the main roots of India's ills, social, economic and political; and great attention should be directed to mass education in order that India might find her rightful place in all spheres of human activity. But the difficulty of the question must be noted: "Nine-tenths of the Indian population

live in villages and most of these villages are so small and scattered that the provision of effective primary education is expensive and difficult to organise. There are formidable obstacles arising from caste and communal feeling."

We pass on to *vocational education*. The initial object of the British in introducing a system of education was to provide for the administrative needs of the country. This has resulted in a purely literary education— in turning out every year an army of graduates fitted only for clerkship. The Industrial Commisson (1916-8) pointed out this defect ; and since then efforts had been made to make up the deficiency. Vocational education means education which directly equips a man with such knowledge and capacity as will enable him to take to some art or industry as a means of livelihood. There are at present many professional and technical institutions, in all 1528 containing 94,587 students. Probably too many go to law colleges. But there are medical, engineering, forest, agricultural, commercial and industrial schools and colleges as well, and their number is on the increase.

On another side India's system of education has been attacked. It is said to be deficient in training the character of Indian youths. The schools and colleges, it is urged, ought to foster in a greater degree the ideas of duty and discipline, of common responsibilities and civic obligations on which a healthy political life depends. Whether this defect exists or not, it should be noted that all education should aim at good citizenship ; its principal object should be the inculcation of a sense of duty to others. It must be broad, and not sectarian ; it must enable us to overcome age-old conventions ; it must educe self-reliance in place of helplessness ; it must call forth nationhood in place of caste or communal feeling.

The Press

The Press is a necessity in a modern State. It is a mark of social progress. Through, it especially through the Newspaper Press, the public make known their grievances to the Government and praise or condemn the actions of Ministers, Government servants and public men. It is, and should always be, alert in safeguarding the interests of the public. On the other hand it should avoid indulging in vulgar and captious attacks on men and measures. That would be abusing the position which editors and authors occupy in society. A well-conducted press is an acquisition to a nation ; and liberty is a much-valued civic right.

Unfortunately the Press in India has seldom been free continuously for a long time. However, in spite of the laws imposing restrictions the Press has made steady progress in India. In 1931-32 there were 6646 printing presses, 1743 newspapers and 2893 periodicals in India.

Conclusion

The reader is not expected to burden his memory with the statistics given above. They are intended to bring out in an impressive way, the progress which India has made during the period under review. The development is worth noting, but much yet remains to be achieved. As it is, the material development has led to some healthy results, people's ideas have changed in a liberal direction ; their ideas of comfort have expanded. They earn higher wages than before, they live in better houses, wear better clothes and have better ideas of sanitation. They travel by rail or stand by roadside in expectation of a lorry which will take them to their destination.

Although the masses of the Indian population are gradually improving in their economic conditions, it must be admitted that a very large proportion of the inhabitants of India are beset with poverty of a kind which finds no parallel in

western lands. Unemployment among the educated section of the population is also on the increase. The problem of India's poverty has yet to be solved ; and the solution lies perhaps in the creation of a country-wide organisation for the encouragement of agricultural and industrial development. For this the active help of the Government is necessary. As for the citizens it is their bounden duty to maintain the peaceful condition and co-operative spirit without which no progress is possible.

GLOSSARY

Autonomy means the right of self-government. Provincial Autonomy is the right of each province to manage its own affairs without interference from the Central Government. In the new constitution of India this right has been conceded to some extent. But it will be complete when each Province will attain the position of a State in the United States of America.

Budget is the annual estimate of revenue and expenditure. Every regularly constituted Government or public institution prepares a budget and submits it to the legislature or corporation for criticism and sanction. The Government of India, the Provincial Government, District Board or Municipality has to prepare a budget.

Chancellor is the head of the Chamber of Princes. He is elected by the Chamber. Pro-Chancellor is his Deputy who presides in the meetings in his absence.

Chaukidar is the village watchman. In Southern India he is under the immediate control of the headman who reports crime to the police. In places where village government has been constituted he is under the control of the Village Board as well as of the police. In Northern India the Lambardar has some control over him. He is paid out of a special cess called *Chaukidara* or *Chaukidari*.

Dafadar is appointed to supervise the work of a number of *Chaukidars*.

Diarchy is a term coined to designate the system of Government recommended by Montagu and Chelmsford. It means government by two independent authorities. In each province there is the Governor-in-Council to manage the Reserved departments and the Ministers to advise the Governor on the Transferred departments. The British Parliament has the supreme control over the Reserved departments and the provincial legislature is supreme over the Transferred departments. The scheme was evolved by Sir William Duke.

Dominion Status is the position enjoyed by the self-governing Dominions of the British Empire. The self-governing Dominions are Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, and the Irish Free State. The position of the Dominions in relation to Great Britain was defined in the report of the Imperial Conference of 1926 as follows : " They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations." The principle was embodied in the Statute of Westminster passed by the British Parliament in 1931. India claims to have this position of equality, but it has not still been conceded.

Federation is a group of States united for a common purpose leaving to the federated units freedom to manage internal affairs. The division of subjects is defined in the constitution. The units never lose their identity or particular interests, but they submit to joint action on common interests of the federation. The Federal Government has its own executive, legislative and judicial bodies, and it is mainly responsible for defence and foreign relations.

Franchise originally meant legal immunity or exemption from some burden or jurisdiction granted to an individual or a corporation. From this it came to mean the rights of a member of a corporation or States. Hence it means the right of voting at elections to Parliament or legislature, or qualification of a voter, which confers upon him the right to vote.

Haisiyat is a tax imposed in the Punjab on professions. It is paid by those who do not pay the land revenue.

Instrument of Accession is a legal document signifying the acceptance of the membership and the Rules of the Federation by a Prince or Ruler of a State.

Kanungo is a revenue official who used to keep registers of revenue to be collected, under the Mughal Rulers. He now supervises the work of the village officials. In the Punjab a Kanungo is generally recruited from Patwaris. In other parts he is mostly a hereditary official.

Lambardar is a village elder responsible for organising village institutions.

Letters Patent is an open letter from the sovereign conferring right, title etc.

Malba is a village rate assessed for the performance of village works.

Mayor is the head of a municipal corporation. In India this title is enjoyed by the heads of the municipal corporations of Calcutta, Bombay, and Madras.

Octroi is a duty levied on goods entering a town.

Panchayet was originally the village council. A member of the village council is also called a Panchayet.

Patel is the headman of the village. He is responsible for the collection of revenue in the village. He also supervises the village police. The two functions are distinct and may be performed by two different persons or the same person.

Patwari is the village functionary in Northern India for keeping the village accounts, showing the ownership of holdings and the payments due to Government or to a landlord. He also maintains the village map and generally serves as the writer of the people.

This functionary is known in the South as *Karnam* and *Karkun* or *Kulkarni* in the West.

Royal Sign Manual is the signature written with King's own hand.

Sheriff is an officer of the Crown attached to the High Courts at Calcutta, Madras and Bombay on their Original sides. He is charged with the execution of process, and the custody of jurors and similar duties. He is a non-official of some position in society.

Zaildar is appointed in the Punjab to supervise the work of the village headmen. He is an influential man selected from a group of estates.

PUNJAB UNIVERSITY SYLLABUS IN INDIAN CIVICS

The village community and its functionaries.

District administration.

Self-government (*a*) in rural areas, (*b*) in towns and cities.

Provincial administration ; Executive ; Legislature ; Finance.

Central Government ; Executive ; Legislature ; Finance.

Military defence ; communications ; other functions of Central Government.

Nation-building departments of Provincial Governments.

Material development under the Crown.

PUNJAB UNIVERSITY PAPERS IN INDIAN CIVICS

1934

I. (*a*) Why is the study of Government increasingly important ? and (*b*) what is the best way by which a people may fit themselves for self-government ?

(*b*) What do you know of the various powers of the Head of a District in British India ? To what extent are executive and judicial functions concentrated in his hands and how far is this combination of the two functions justifiable ?

II. (*a*) Describe the principles underlying the division of British India into Provinces.

(*b*) Discuss in brief outline the administration of a Governor's province.

III. (*a*) Discuss the general character of the Reform Scheme of 190[illegible] from that of the reforms of 1909.

(*b*) What would, in your opinion, be the general form of Government of India after the passage of the Reform Scheme now on the anvil of the British Parliament.

(*c*) Clearly point out what are known as Central Heads of Revenue.

(*d*) What is, in your opinion, the justification for the huge military expenditure incurred by the Government of our country ?

1934 (*Supplement*)

I. (*a*) Why is government a necessity, and what is the value to a country of an intelligent body of citizens ?

(*b*) Describe, in broad outline, Local-Self-Government in towns and cities in British India.

II. Describe the duties and powers of the Governor-General, and also discuss his powers as Viceroy.

III. (*a*) Describe the relations between the Legislature and the Executive in a Governor's Province.

(*b*) What are the nation-building departments of your provincial government, and how are these being administered ?

1935

I. Write a comprehensive note on the day-to-day administration of an Indian village, with special reference to the appointment, duties, and remuneration of the Headman and the Patwari.

Or,

Describe rhe powers and functions of District Boards. What is the extent and nature of Government control over District Boards ?

II. State the powers and functions of the Governor-General in relation to his Executive Council, as well as in relation to his Legislature.

III. What are the qualifications of a voter for election of members to Legislative Assembly ? Is there any difference between the qualifications of men and women voters ?

1936

I. "At the present day all the strings of district administration are gathered together in the hands of the Deputy Commissioner." Discuss and elucidate this remark.

Or,

What steps have been taken in the direction of the development of local self-government in rural areas ?

II. Describe, in outline only, the administrative machinery of a Governor's Province. What changes would be introduced therein by the Government of India Bill, 1935 ?

Or,

What are, in your opinion, the essential conditions for the successful working of democratic government ? How far are those conditions present in the Central Government of India ?